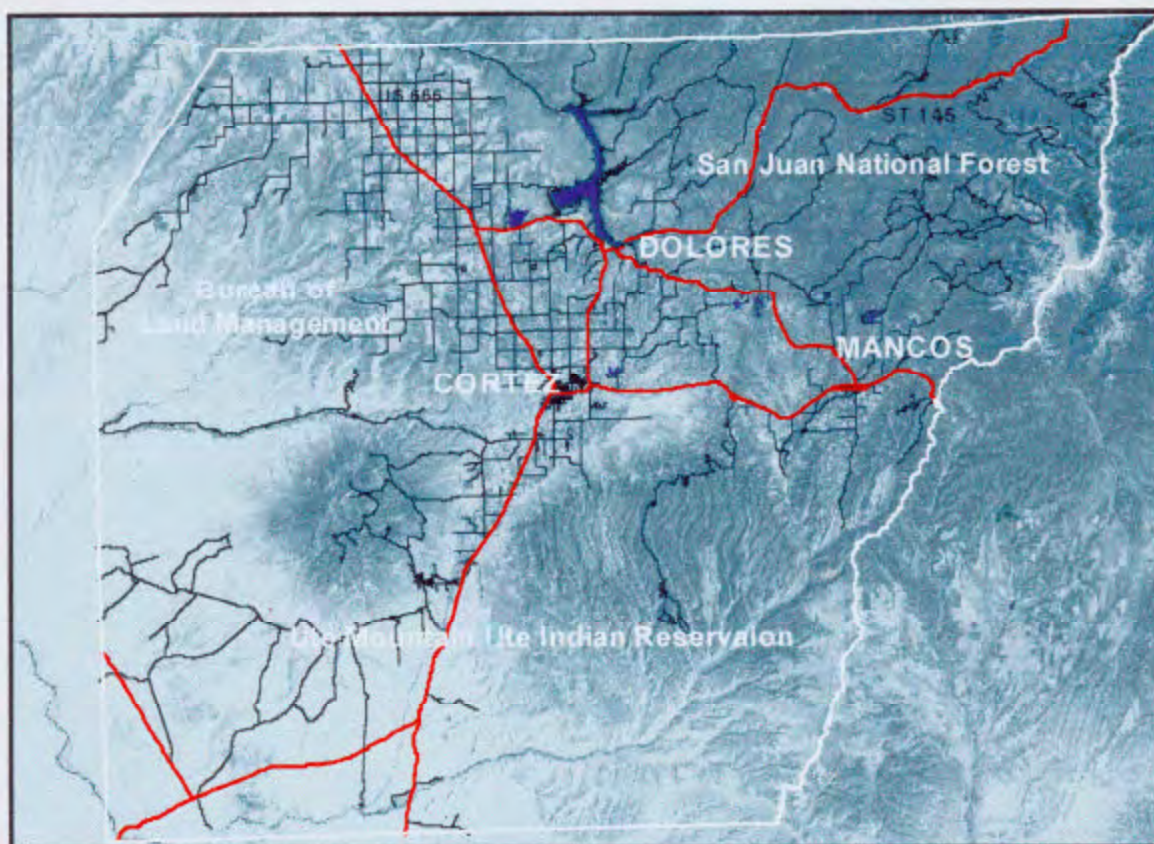


# Montezuma County



## Comprehensive Land Use Plan for the Unincorporated Areas of Montezuma County

# **MONTEZUMA COUNTY COMPREHENSIVE LAND USE PLAN**

**Adopted by the Montezuma County Planning Commission:  
December 19, 1996**

**Adopted by the Montezuma County Board of Commissioners:  
January 6, 1997**

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## **Chapter One**

### **Protecting Property Rights and Property Values**

The most fundamental issues addressed by the Montezuma County Comprehensive Plan involve the protection of private property rights and the protection of private property values.

The Fifth Amendment to the United States Constitution states:

*“ . . . nor shall private property be taken for public use, without just compensation.”*

This Constitutional right was originally considered in relation to the physical taking of private property for roads, canals and other public facilities. In recent times the concept of a “taking” has been extended to regulatory “takings” which have the effect of substantially reducing the production or sale value of a piece of property.

“Takings” inquiries revolve around three key questions:

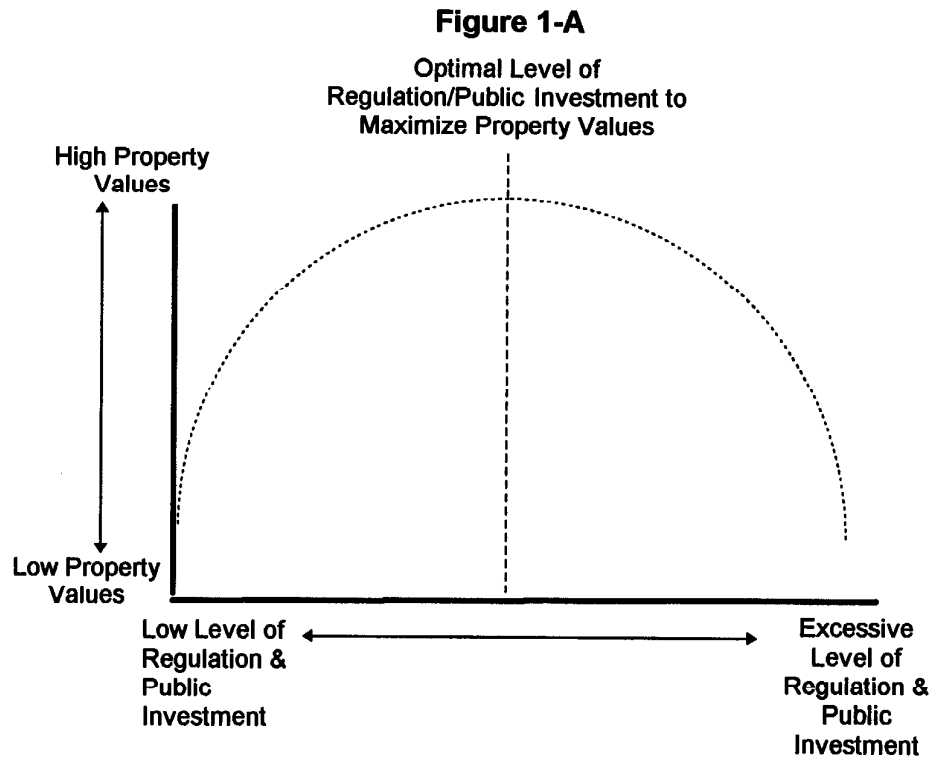
1. What is the economic impact of the regulation on the property owner?
2. Does the regulation promote a valid public purpose?
3. Is there a direct and proportionate relationship between the needs created by a project, and the amount of land or type of access required?

Court decisions have upheld conventional planning and zoning as “promoting a valid public purpose,” of benefit to the community as a whole. The benefits include predictability and compatibility of land uses, as well as, the orderly and cost effective provision of public facilities and services. The beneficiaries include the entire community of landowners as well as local governments, utility providers and service providers.

Where “takings” claims have been upheld, the “loss of all reasonable economic use” or a major “diminution of property value” have been key standards. This focus of “takings” decisions and laws, on the loss of property values, reinforces the notion that property rights and property values must be dealt with as interrelated issues.

The belief that property rights means “I can do whatever I please with my private property” must be qualified, by considering the impact of one owner’s exercise of his property rights on the rights of other property owners. In short, one person’s unrestrained exercise of property rights can have the effect of “taking” property values from other owners.

“Where my property rights end, and where yours begin” is a key consideration in the formulation of this plan. As Figure 1-A illustrates, property values are enhanced by a level of regulation and public investment which protects the attractiveness, and supports the development potential, of private property. There is also a point at which over-regulation and excessive public costs can diminish property values. There is an optimal level of regulation and public investment that maximizes property values.



There are, however, other considerations besides maximizing property values. These include:

1. A tradition in Montezuma County of maximizing independence and personal freedom when considering public regulation.
2. The continued viability of agriculture as a strong community value and the need for land use tools that protect and encourage agricultural viability.
3. A concern about the affordability of land and housing for the next generation.
4. The realities of financing public investments and publicly administered regulations, given Montezuma County budgetary limitations.

Taking into account the above traditions, concerns and realities, private property rights are, in some cases, given more emphasis than the absolute optimization of private property values.

Striking the appropriate balance between the protection of private property rights and the protection of private property values, has been at the core of the debate leading to the formulation of this plan. The specific recommendations made in the plan are concrete attempts to balance these interests in keeping with the heritage, character and future goals of Montezuma County.

What follows is a summary of the Major Issues, Planning Goals and Policy Recommendations addressed in the subsequent chapters of the plan.

### **Major Issues Addressed in the Plan**

1. Land is the major asset, that farmers and ranchers have, to meet immediate financial needs, retire, and distribute family equity to the next generation.
2. The majority of land, going out of commercial agriculture, is being divided and sold for residential use.
3. Owners of the resulting residential tracts have a strong appreciation for the open space and aesthetic appeal of remaining agricultural operations.
4. Remaining agricultural landowners are concerned that this appreciation for agricultural open space, will result in regulation that will, involuntarily and permanently, lock them into agriculture, when financial realities and personal circumstances may require the sale of land and/or changes in land use.
5. Owners of smaller residential tracts are concerned that the conversion of agricultural land, will result in incompatible uses that will damage the value and enjoyment of their property.
6. Families continuing to farm are concerned about the proliferation of subdivisions creating potential conflicts with non-farming neighbors (ditch access, spraying, night farming, fencing, open gates, dogs, weed control etc.).
7. The County is concerned that revenue limitations will result in a deterioration of the quality of public facilities and services, or will result in an undue burden on County taxpayers.



## **Comprehensive Plan Goals**

1. To provide reasonable protection of private property rights;  
and
2. To provide reasonable protection of private property values.
3. To develop a Comprehensive Plan that protects the right of landowners to divide, sell and change the use of their land.  
and
4. To develop a Comprehensive Plan that provides reasonable protection of property values from incompatible uses.
5. To develop a Comprehensive Plan that does not resort to mandates or regulations intended to "take" open space, and does not lock landowners into agricultural uses as a means of locking in open space.  
and
6. To develop a Comprehensive Plan that utilizes voluntary incentives to address open space needs, before the long term effects of rural development narrow the options for voluntary solutions;
7. To develop a Comprehensive Plan with a strong "right-to-farm" policy, that protects conventional agricultural operations from "nuisance liability" suits.  
and
8. To develop a Comprehensive Plan with a land owner education policy, aimed at informing rural landowners about the tolerances (spraying, night baling etc.) that the "right-to-farm" guarantees, as well as, the courtesies that are essential in making residential and agricultural land uses compatible.
9. To protect existing property tax payers from an undue burden in financing the costs of new development.  
and
10. To avoid placing such a heavy burden on new development, that the opportunity for future residents to become part of the community becomes cost prohibitive.

To achieve the balance between property rights and property values intended by the above goals, the following policies are recommended:

## **Comprehensive Plan Policy Recommendations**

1. **Landowner Initiated Zoning (LIZ).** (Details in Chapter Three) It is recommended that the County implement a system of Landowner Initiated Zoning to include elements and benefits:

### **Elements of Landowner Initiated Zoning include:**

- a) A menu of agricultural and residential zones for landowners to choose from.
- b) Agricultural and residential zones with minimum lot sizes ranging from 3 acres to 160 acres.
- c) Development standards within each zone that take into account the impact of particular uses on a specific range of parcel sizes.
- d) Conditional uses for commercial and industrial development within each LIZ zone, will be supplemented by a permitting/public hearing process. The process will be guided by standards to identify and mitigate high impact industrial and commercial development.
- e) Voluntary incentives within each zone, to encourage attainment of Comprehensive Plan goals, such as maintaining a productive agricultural land base or providing for open space and/or wildlife.
- f) A sign-up period for a variety of agricultural and residential density levels, incentives, and standards which establish development rights, in exchange for standards that provide reasonable protection for other landowners from incompatible uses. After the sign-up period, establishing or changing zones will require a public hearing.
- g) The freedom for landowners, who stay unzoned to continue existing uses, until they make a land use change that requires zoning, compliance with subdivision regulations, or commercial/industrial permitting.

### **Benefits of Landowner Initiated Zoning:**

- a) **Landowner choice and responsibility.** Landowners will have the opportunity to make informed choices about the future of their land.
- b) **Predictability concerning property rights.** Landowners who place their land in a LIZ zone will know what their development rights are, and what standards will be required, when they chose to develop. People who chose to remain unzoned can do so until they make a land use change that requires zoning, compliance with subdivision regulations, or an industrial and commercial permit.
- c) **Predictability concerning property values.** As landowners put their land into zoning, neighbors and potential buyers will know what kind of

development to anticipate, and be able to adjust expectations and plans accordingly.

- d) **Opportunities to establish neighborhood goals and cooperation.** The opportunity will be provided for neighbors to work together to determine the future of their neighborhoods, by choosing compatible zoning.
- e) **Predictability concerning the provision of infrastructure and services.** As zoning patterns are established, the County and other utility and service providers will be in a better position to plan for future development, and respond to growth in a more cost-effective manner.
- f) **An incentive based approach to the preservation of open space and productive agricultural lands.** Since the LIZ system is voluntary, zones are included involving 40 acre and 160+ acre parcels. These zones provide incentives for the preservation of open space and the protection of productive agricultural lands, in a manner that doesn't lock people permanently into agriculture.
- g) **Flexibility to mix parcel sizes and accommodate a mix of agricultural, residential, and low impact business uses.** LIZ allows flexibility for the continued mix of smaller residential and large agricultural parcels, based on market circumstances and landowner goals. Provisions are also made in each LIZ zone for low impact commercial and home based business activities as appropriate to the minimum parcel size.

Concerns regarding Landowner Initiated Zoning are discussed in Chapter Three.

2. **Industrial and Commercial Development.** It is recommended that the County implement an industrial and commercial permitting process to include:
  - a) Standards and a process to identify high impact industrial and commercial development.
  - b) A scale to evaluate high impact industrial and commercial development. Low impact uses can be approved administratively, while higher impact uses can be addressed in a public hearing process.
  - c) A public hearing process to determine what mitigation measures, if any, can be used to bring high impact industrial and commercial uses into an acceptable range of compatibility.
  - d) The issuance of a permit approving industrial and commercial land use changes and stipulating applicable standards and conditions.

For more detail on industrial and commercial development see Chapter Four.

3. **Junk Trash and Visual Blight.** It is recommended that junk, trash and visual blight be addressed with the following tools:
- a) **High impact commercial and industrial permitting as a tool to avoid future blight.** It is recommended that the high impact commercial and industrial permitting process be used, as a tool to reduce the creation of additional visual blight in the future. The issues of “visual impact” and “pollution” have been incorporated into the “Proposed Criteria for Evaluating the Potential Level of Industrial and Commercial Impacts.” (See Chapter Four: Industrial and Commercial Development).
  - b) **Subdivision standards and covenants as a tool to avoid future blight.** It is recommended that land subdivision standards and covenants include criteria designed to limit the prospects of creating additional junk, trash and visual blight in future subdivisions.
  - c) **Encouragement of voluntary efforts to reduce junk, trash and visual blight.** It is recommended that volunteer efforts be encouraged to clean up junk, trash and visual blight including:
    - i) Community clean-up days during which land fill fees would be reduced or waived.
    - ii) Clean-up projects sponsored by civic organizations in cooperation with landowners.
    - iii) Voluntary screening of junk, trash and visual blight.
    - iv) Awards and recognition for outstanding efforts to reduce junk, trash and visual blight.

For more detail on Junk, Trash and Visual Blight see Chapter Five.

4. **Agricultural Viability.** The following policies are recommended to sustain agricultural viability:
- a) **Right to Farm Policy.** It is recommended that:
    - i) The provisions in the Colorado “Right to Farm” Law (35-3.5-101,102,103) be noted on all county plats and approvals in agricultural areas of the County, and be brought to the attention of current and prospective rural parcel owners via educational efforts and materials.
    - ii) In 1996, the Colorado State Legislature passed legislation enabling Counties to adopt local right to farm policies. The need for stronger local policies should be evaluated, and recommended changes should be adopted by the County. The thrust of the policies should be protection from nuisance

lawsuits related to burning, spraying, dust, noise, smells and other manifestations of normal farming practices. The work of Weld County, La Plata County and other counties, working on right to farm policies, should be reviewed for consideration.

- iii) "Design Guidelines for Development Affecting Agricultural Land," in the Montezuma County Subdivision Resolution (Section 1-202 on page 4), should be enforced in subdivisions created under this Resolution and extended to other land use changes as appropriate. These Guidelines should be evaluated for effectiveness and modified as necessary.

b) **Federal Grazing Permits and Regulations.** It is recommended that:

- i) The Federal Lands component of the comprehensive plan, should address the critical importance of Federal grazing permits, on the continued viability of agriculture in Montezuma County. (See Chapter Twelve for more detail)
- ii) Federal regulatory and policy obstacles to agricultural viability such as the Endangered Species Act, wetlands protection, "bypass flows" through Federal land and predator control; should be addressed with the active participation of Montezuma County. (See Chapter Thirteen for more detail)

c) **Conservation Easements.** It is recommended that:

- i) Policies, plans and essential services (eg. land trusts, tax experts etc.) be coordinated so that landowners can make use of conservation easements, sale of development rights, and other incentives. (For more information on conservation easements see Chapter Eight)
- ii) The use of these incentives by landowners would be strictly voluntary.

d) **Landowner Initiated Zoning (LIZ).** It is recommended that:

- i) LIZ A-160 A/R-160 and A/R-40 zones be implemented to provide a framework for establishing and protecting agricultural rights.
- ii) The A-160 A/R-160 and A/R-40 LIZ zones should also provide incentives for minimizing the impact of housing sites on productive agricultural land.
- iii) Home site "clustering" and dispersal options in the A-160, A/R-160 and A/R-40 LIZ zones should allow for simplified review, phased development, and the flexibility to adjust the size and configuration of home sites to fit the agricultural productivity of the land.

- iv) Provided that health and safety standards can be met, minimum lot size requirements would be waived and home site clustering and dispersal will be allowed in exchange for keeping agricultural land in production.
- v) Agricultural land retained by clustering could continue to be farmed by the landowner or sold if protected by conservation easements and/or deed restrictions.

For more detail on Agricultural Viability see Chapter Six.

5. **Residential Development.** The following policies are recommended to address issues related to residential development:
  - a) **Landowner Initiated Zoning** options should be implemented with standards for various uses, that are appropriate to the parcel sizes specified in a particular zone.
  - b) **Commercial and Industrial Development.** Commercial and industrial development within residential zones, that could have significant impacts, should be conditional uses requiring public hearing and permitting. Low impact uses would be "by right," but may still require compliance with standards. (See Chapter Four)
  - c) **Open Space Incentives** should be available that allow home site clustering to preserve open space, including the voluntary use of deed restrictions and/or conservation easements. (See Chapter Eight)
  - d) **Changes to Existing Subdivision Regulations.** It is recommended that existing Subdivision Regulations be modified to incorporate Landowner Initiated Zoning policies including:
    - i) Policies and review procedures to evaluate proposed subdivisions for compliance with Landowner Initiated Zones.
    - ii) Policies and standards to deal with clustered and dispersed residential development in the A/R 160, A/R 40 and Open Space Zones.
    - iii) Policies to allow for phased development of infrastructure to serve home sites in A/R 160 and A/R 40 zones.
    - iv) Policies and standards to deal with variations to the three acre minimum lot requirement in zones that allow for cluster development, as well as the Urban Services Zones (see Chapter 10 for detail on the Urban Services Zone).

- e) **PUD Regulations.** It is recommended that PUD (Planned Unit Development) regulations be developed to address:
  - i) Multi-family housing,
  - ii) Condominiums, and
  - iii) Mixed use proposals which include a mix of residential and commercial uses.
- f) **Consolidation of Residential Development Permits.** It is recommended that the septic permit, driveway permit, and issuing of addresses be consolidated into one format for consumer convenience and ease of monitoring growth.
- g) **Pipeline and Power line Regulations.** It is recommended that the Pipeline, Power line, and Major Microwave Installations Resolution be updated and strengthened.
- h) **Building Code and Building Permit System.** It is recommended that the Uniform Building Code be adopted by the County for use on a voluntary home builder/owner initiated basis.
  - i) Inspections would be conducted by City Inspectors, or persons in the private sector from a list of qualified individuals or firms. The home builder/owner would select a person or firm from the list, and arrange directly for inspections.
  - ii) Those structures that are built and inspected in compliance with the UBC code, would be certified as such.
  - iii) Builders could use the system to certify UBC compliance and provide quality assurance.
  - iv) Individuals could use the inspection system as a means of monitoring the quality of both contractor and owner/builder work.
  - v) Lending institutions and others with a financial stake in the quality of construction could require voluntary UBC compliance.
  - vi) UBC compliance could be advantageous to home sellers and home buyers by taking some of the “buyer beware” uncertainty out of home purchases.
  - vii) The impact on County administrative costs and staffing would be minimal. The County can use consolidation of addressing, sewer and driveway permits to monitor the extent and location of residential growth.
  - viii) UBC inspection and certification would be available to those who see it as beneficial, but would not be required for those who see no need for UBC compliance.

- i) **Affordable Housing.** It is recommended that the following policies be adopted to address issues related to affordable housing:
  - i) Mobile and modular homes should not be “zoned out” of rural Montezuma County.
  - ii) Efforts should be made to provide more affordable infrastructure in the urban services areas near the towns. (See Chapter Ten)
  - iii) Where urban services (such as centralized sewer) are available, housing development should be allowed at densities greater than 1 unit per 3 acres.
  - iv) Urbanizing areas near the towns should be planned to promote the quality of residential life, by providing for amenities such as safe pedestrian and bicycle linkages to schools, parks and shopping areas.

For more detail on Residential Development see Chapter Seven.

- 6. **Open Space and Wildlife.** It is recommended that the following policies be adopted to address issues related to open space and wildlife:
  - a) **Landowner Initiated Zoning.** Adoption is recommended of a LIZ Open Space zone, designed to encourage development which maximizes wildlife and open space while minimizing wildlife conflicts including:
    - i) Restriction of development to 1 homesite per 10 acres in a conventional subdivision or 1 homesite per 5 acres with clustered development.
    - ii) Covenants that address fencing, pet control, weed control, forest management, fire safety etc.
    - iii) Design standards that address wildlife migration and habitat concerns.
  - b) **Open Space and Wildlife Incentives** are recommended which:
    - i) Encourage the use of conservation easements to support a landowner’s decision to set aside open space and wildlife habitat.
    - ii) Provide education to landowners on the pros and cons of conservation easements, and provide technical support to landowners who wish to pursue conservation easements.
    - iii) Encourage CDOW short and long term leases, based on criteria that maximize open space and wildlife benefits.



- c) **Habitat Partnership Program.** It is recommended that Montezuma County:
  - i) Work with the CDOW to implement the Habitat Partnership Program (HPP) in Montezuma County.
  - ii) Become influential in how the HPP supports and protects the landowner's interests as well as wildlife populations.
  - iii) Assist in educating landowners on the options that may be available when they experience wildlife impacts.
- d) **Wildlife Mapping.** It is recommended that any and all data and maps, available from the Colorado Division of Wildlife, be used in the County planning process:
  - i) Such maps and data can be used by the County without relinquishing County authority to CDOW.
  - ii) The Human/Wildlife Impact Overlay Map (Figure 8-A) is an example of how data, from the Division of Wildlife, can be used to develop County Wildlife Maps.
  - iii) Wildlife maps can be useful in the County planning process to identify and support voluntary efforts, to reduce short term and long term conflicts, between increased development and the continued presence of wildlife.
  - iv) Wildlife Maps can be used as a tool to guide development by people who choose the LIZ Open Space Zoning Option.
  - v) Wildlife Maps, can be refined to prioritize areas most appropriate for incentives. These incentives include the purchase of development rights, the lease of wildlife corridors and critical habitat areas, and similar voluntary opportunities for addressing wildlife issues.
- e) **Donations to Support Wildlife Incentives.** It is recommended that mechanisms be investigated to take donations, to be applied to the cost of leases, easements and other measures to accommodate wildlife while reducing human/wildlife conflicts.

For details on Open Space and Wildlife, see Chapter Eight.

- 7. **Residential Density.** The following policies are recommended to address issues related to Residential Density:
  - a) **Landowner Initiated Zoning.** It is recommended that agriculture and open space incentives in Landowner Initiated Zones be utilized, to voluntarily achieve density levels, that allow for the continuation of commercial agriculture and the protection of open space.

- i) LIZ incentives include phased cluster and dispersed home site development. This will have the effect of allowing significant home site development, while keeping 75% of the land in agricultural use or open space.
  - ii) Where LIZ agricultural and open space options are used, maximum density would be 48 home sites per square mile or one home per 13 acres.
- b) **Conservation Easements.** It is recommended that voluntary conservation easements, and other appropriate tools, should be used to help maintain densities that meet agricultural and open space goals.

Conservation easements can be used as a free standing tool or in conjunction with Landowner Initiated Zoning.

For more detail on Residential Density, see Chapter Nine.

8. **Rural Sprawl.** The following policies are recommended to address issues related to rural sprawl:

- a) **Landowner Initiated Zoning Incentives.** It is recommended that the Landowner Initiated Zoning (LIZ) Urban Services Zone should allow for lots of less than 3 acres in urbanizing areas where centralized sewer is available, or can be made available.
- i) The Urban Services Zone should include standards that are appropriate for urban densities, and compatible with the municipalities, that will serve and may eventually annex, urbanizing areas.
  - ii) Planning for development in the Urban Services Zone should encourage the safety, attractiveness and cost effective provision of public facilities and services.
  - iii) It is desired that Urban Services Zone incentives should expand affordable housing options for current and future residents, while reducing density pressure on the more rural parts of the County.
- b) **Sprawl and Density Policies.** It is recommended that:
- i) Any policies adopted to manage density in the more rural parts of the County should allow for higher densities in urbanizing areas.
  - ii) Criteria should be developed to accommodate higher densities as the towns and urbanizing areas grow, and adequate public facilities are available.

9. **Infrastructure, Services, and Costs of Growth.** The following policies are recommended to address issues related to Infrastructure, Services and Costs of Growth:
- a) **Improved coordination among utility providers.** It is recommended that:
    - i) The county continue to promote efforts to improve coordination among utility providers that use county road or platted right-of-ways.
    - ii) A recommended pattern should be established for the way utilities are placed in road right-of-ways and utility easements.
    - iii) An integrated system for mapping utility placements should be pursued on an ongoing basis.
    - iv) The process for notifying other utilities prior to maintenance or construction activities should be strengthened.
    - v) County road right-of-ways should be standardized as opportunities permit.
  - b) **Services to Rural Subdivisions.** It is recommended that:
    - i) When subdivisions are going through the review process, utility and service providers should be notified as early as possible.
    - ii) Service providers should have input in the planning process with regard to key issues such as school bus pick-up points mail delivery points, water sources for fire fighting, etc. Once agreement is reached on such matters, a mechanism is needed for communicating resulting policies to developers and lot purchasers.
    - iii) Property owners should be advised as to essential precautions in regard to fire breaks, clearly visible addresses, and access for fire fighting and other emergency service equipment.
  - c) **Sewage and Water Quality.** It is recommended that the interrelated issues of sanitary sewage disposal and water quality be carefully evaluated to insure protection of the public health including:
    - i) A review of standards for Individual Sewage Disposal Systems (septic systems) to match ISDS technologies with appropriate minimum lot sizes and construction standards.
    - ii) Criteria for evaluating the cumulative impact of septic systems in large scale subdivisions.
    - iii) Criteria for determining when higher density developments should be connected to a centralized sewage system.
    - iv) Plat notes notifying lot buyers when non-conventional ISDS systems are likely to be required.

- v) *Review of water quality monitoring in critical areas such as the Dolores River, McPhee Reservoir, Mancos River and McElmo Creek.*
- d) **Solid Waste Disposal.** It is recommended that a county solid waste management plan be developed to manage solid waste disposal activities within the Montezuma County including:
  - i) The transportation and disposal of solid waste,
  - ii) The transportation and disposal of hazardous waste,
  - iii) The flow of waste into, through, and within Montezuma County
  - iv) Illegal dumping and littering,
  - v) Policies to encourage recycling, composting and other methods of waste diversion, and
  - vi) *The opportunity for public review and input on the plan.*
- e) **Addressing and Dispatch Capability.** It is recommended that:
  - i) Efforts be undertaken to improve and clarify the county addressing system, to make it easier to locate particular properties, in both routine and emergency circumstances.
  - ii) Efforts should be undertaken to retain local dispatch capability.
  - iii) Efforts should continue to improve the integration of addressing and dispatch systems.
- f) **County Roads** It is recommended that:
  - i) A ten year Road Development and Improvement Plan be adopted and supported by the following policies:
  - ii) The traffic count program, that is in place, will be used to set and update county-wide road improvement priorities listed in the Plan. (See attachment)
  - iii) Road impact fees should be applied to improvements of county roads that will be directly impacted by a proposed subdivision or development, or to the road on the county-wide road improvement priority list most likely to be impacted by the proposed subdivision or development.
  - iv) That percentage of any county-wide sales tax, approved by the voters of Montezuma County, and earmarked for roads, will be used to improve the maintenance and capacity of roads on the county-wide road improvement priority list.
  - v) Any and all polices and/or revenue sources to close the gap between revenue and the need to improve and expand the county road systems should be explored.

For details on Infrastructure, Services and Costs of Growth, see Chapter Eleven.

10. **The Federal Lands in Montezuma County.** The following policies are recommended to address issues related to Federal Lands:
- a) **Establish Benefits of Multiple Use.** It is recommended that the economic, social, cultural and land stewardship benefits of multiple use on federal lands be analyzed and documented.
  - b) **Joint Planning & Intergovernmental Relationships.** It is recommended that opportunities be maximized for local participation in federal land policy making, planning and decision making processes.
  - c) **Community-Public Land Partnership Initiatives.** It is recommended that efforts continue to develop community-public land partnerships, such as the Ponderosa Pine Partnership, local visitor centers and the trail projects being undertaken by the Dolores Chapter of the San Juan Forest Association.
  - d) **Comprehensive Plan Policy Statement on Multiple Use.** It is recommended that the Comprehensive Plan include a policy statement on multiple-use on federal land, that strongly supports the historic and traditional uses of Federal Land.

For details on the Federal Lands in Montezuma County, see Chapter Twelve.

11. **Intergovernmental Relationships.** It is recommended that Montezuma County represent the citizens of Montezuma County by actively using their full authority in working with local, state, and federal governmental entities in fulfilling the goals of this plan. Specific recommendations include:

**The Federal Government.**

- a) **Regulatory Impacts.** It is recommended that Montezuma County monitor, comment upon, and where appropriate, seek administrative and regulatory relief, regarding regulations that negatively impact the economic viability of the community and other goals of this plan. *Areas of particular concern include: The Endangered Species Act, Wetlands Protection Regulations, and predator control and reintroduction policies.*
- b) **Federal Lands.** See #10 above.

**The State of Colorado**

- c) **Habitat Partnership Program.** It is recommended that Montezuma County work with the Colorado Division of Wildlife, to implement the Habitat Partnership Program in Montezuma County, as a mechanism to resolve wildlife conflicts.
- d) **Regulatory Impacts.** It is recommended that assistance be sought from the Colorado Department of Agriculture and other State Agencies, in mitigating the impacts of State and Federal regulation that adversely affect the goals of this Plan.

**The Ute Mountain Ute Tribe**

- e) It is recommended that the County coordinate with the Tribe on issues of mutual importance such as water resources, archaeological resources, gambling, education, social services, employment, economic development, Federal grazing permits, and infrastructure planning and development.

**The Municipalities**

- f) It is recommended that the County Commissioners enter into negotiations with the municipalities to achieve agreements in the following areas:
  - i) A major street plan within three miles of each municipality.
  - ii) Consideration should be also be given to common water and sewer standards, where appropriate, within the areas surrounding the municipalities that are addressed by the street plan.
  - iii) Policies for dealing with incompatible uses within one mile of municipal boundaries.
  - iv) A formal procedure for considering and responding to comments, from the municipalities, regarding subdivisions and commercial development, within the urban influence areas, not to exceed three miles.

For details on intergovernmental relations see Chapter Thirteen.



## Chapter Two

### The Comprehensive Planning Process

#### Background

In November, 1994, the voters of Montezuma County passed a referendum that directed the Board of County Commissioners (the County Commissioners) to prepare a Comprehensive Plan for the County. The referendum as it appeared on the ballot read:

*Shall the voters of Montezuma County direct the Montezuma County Board of Commissioners to prepare a comprehensive county plan resolution which shall include a land use plan, a method for public involvement and comments in land use decisions, and a mechanism to ensure a reasonable relationship and compatibility among and between adjoining land uses, which resolution shall be in a form and content ready for adoption on or before July 1, 1996?*

The referendum passed by a 12% margin with 56% in favor and 44% opposed. The major impetus for placing the referendum on the ballot and its passage is the increasing rate of growth experienced between 1990 and 1994. Growth trends in Montezuma County as a whole and the rural County in particular are presented below.

#### County and Rural Growth Trends 1990-1995

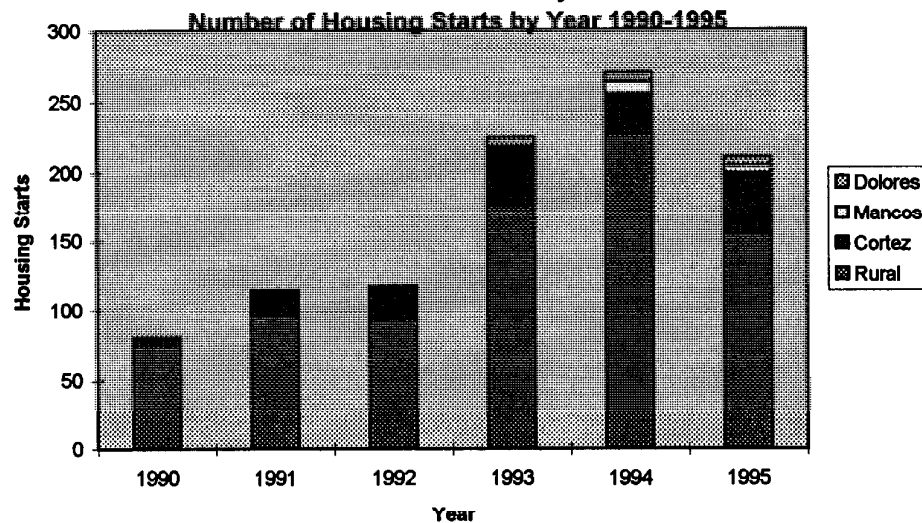
According to estimates by the Colorado State Demographer, the County as a whole grew from 18,672 to 21,829 for a net increase of 3,157 or 17% between 1990 and 1995. As Table 2-A and Figure 2-A indicate 81% of the 1,054 housing starts between 1990 and 1995 occurred in the unincorporated or rural parts of the County:

**Table 2-A**  
**Montezuma County Housing Starts 1990-95**  
**Comparing Towns and the Unincorporated "Rural" County**

	1990	1991	1992	1993	1994	1995	Total 90-95	% of Total
Cortez	6	15	21	41	30	46	159	15%
Mancos	0	2	2	2	9	5	20	2%
Dolores	1	2	1	6	6	6	22	2%
Rural	74	95	93	175	225	191	853	81%
Total	81	114	117	224	270	248	1,054	100%



**Figure 2-A**  
**Montezuma County:**



**Sources: Municipal Building Departments, Montezuma County New Septic Permits**

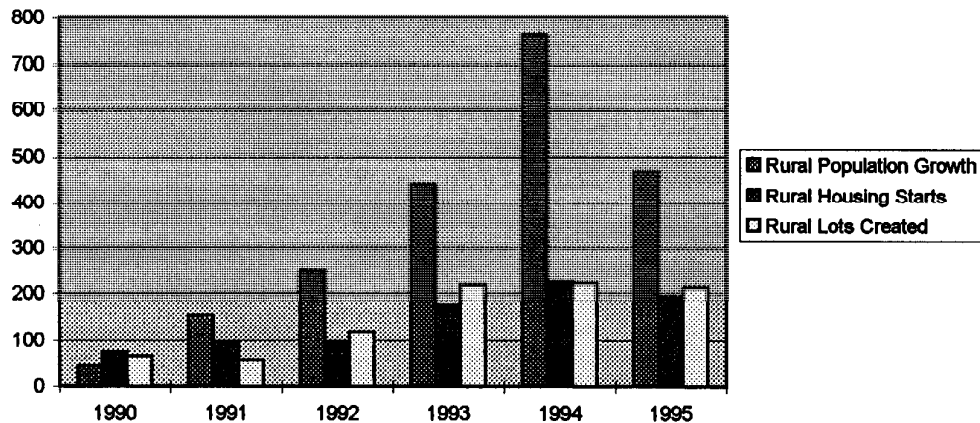
Table 2-B and Figure 2-B focus on the 21% growth in the rural population which increased from 9,680 in 1990 to 11,705 in 1995. Growth trends are presented for the three interrelated factors of population, housing starts and the creation of new rural lots:

**Table 2-B**  
**Rural Montezuma County Population, Housing**  
**and Subdivision Growth 1990-1995**

Year	Rural Population	Rural Population Growth	Rural Housing Starts	Rural Lots Created
1990	9,636	44	74	64
1991	9,789	109	95	55
1992	10,038	249	93	117
1993	10,478	440	175	218
1994	11,238	760	225	222
1995	11,705	467	191	213
<b>Total 1990-95</b>		<b>2,069</b>	<b>853</b>	<b>889</b>

**Sources: Rural Population-Colorado State Demographer,  
Rural Housing Starts-Montezuma County Issue of New Septic Tank Permits  
Lots Created - Montezuma County Planning Office**

**Figure 2-B:  
Rural Population, Housing, Subdivision Growth 1990-95**



Source: Table 2-B

### County and Rural Population Projections 1995-2020

Table 2-C below presents County wide population projections in five year increments for the 25 year period from 1995 to 2020. Rural growth is projected at 81% of total County growth based on 1990-95 trends.

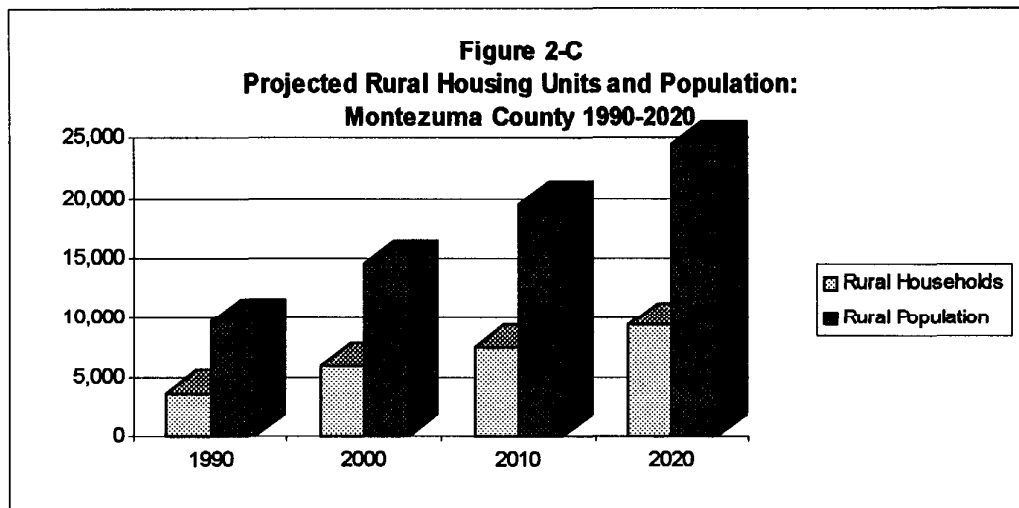
**Table 2-C  
Population Projections 1995-2020 in Five Year Increments  
Based on Colorado Demographer County-Wide Projections,  
and Assuming 81% of New Growth Will Continue to be Rural**

Year	Projected County Population	Projected County Growth	5 Year % County Growth	Projected Rural Population	Projected Rural Growth	5 Year % Rural Growth	Projected Town Population	Rural % of Total Population
1990	18,710			9,636			9,074	51.5%
1995	21,829	3,119	16.7%	11,705	2,069	21.5%	10,124	53.6%
2000	25,341	3,512	16.1%	14,550	2,845	24.3%	10,791	57.4%
2005	28,528	3,187	12.6%	17,131	2,581	17.7%	11,397	60.0%
2010	31,542	3,014	10.6%	19,573	2,441	14.3%	11,969	62.1%
2015	34,505	2,963	9.4%	21,973	2,400	12.3%	12,532	63.7%
2020	37,469	2,964	8.6%	24,373	2,401	10.9%	13,096	65.0%

Source: 1990 and 1995 Population Estimates, and County-Wide Population Projections for 1995 to 2020 are from the Colorado State Demographer.

Rural Growth is projected at 81% of County growth based on 1990-95 trends as presented in Table 2-A.

If the projections in Table 2-C materialize, the "rural" share (residing outside of one of the three incorporated towns) of County population will climb from slightly over half to 65% in the next 25 years. The implications of this trend, and policies for modifying it are discussed in Chapters 9 and 10.



### **Forming a Citizen's Working Group**

In response to the referendum, the Commissioners decided the Plan would not be developed in a vacuum. Instead, it would be crafted with citizen involvement and input at all levels. They appointed a citizen Working Group through an application process that represented the different perspectives of citizens living in the County including both property rights and planning advocates.

This Working Group was charged with drafting a Plan that would be forwarded to the Montezuma County Planning Commission and eventually, to the County Commissioner's for review and adoption after public input.

The Working Group met for over eighteen months. During this time, they:

- 1) participated in a basic training program on land use planning and private property rights;
- 2) conducted a series of public meetings to develop a set of planning issues;
- 3) met with the municipalities, special districts and utility companies; &
- 4) developed the draft plan that included goals and recommended policy alternatives in response to concerns voiced by the public.

## **Public Identifies Planning Issues**

In order to understand what citizens meant when they directed the county to develop a comprehensive plan, the Group planned a series of public meetings in Mancos, Dolores, Pleasant View, and in Cortez. At these meetings, three questions were asked of the public:

1. What about Montezuma County would you like to see kept or preserved?
2. What about Montezuma County would you like to see changed or improved?
3. What are some needs and concerns you would like to see addressed in the Comprehensive Plan?

The information collected at these meetings was compiled and "boiled down" to a set of planning issues based on direct input from the public. These issues included:

- Analysis of Existing County Regulations
- Industrial and Commercial Development
- Private Property Rights
- Residential Density
- Open Space and Wildlife
- Rural Sprawl
- Agriculture Viability
- Intergovernmental Relations
- Utilities
- Special Districts and Services
- County Roads
- Housing
- Junk, Trash and Visual Blight

## **Discussing the Issues and Building the Plan's Framework**

The Working Group discussed each one of the planning issues at length. They debated factors related to the issues, "brainstormed" possible solutions and policies, and linked some issues to each other. For example, management of the public lands has a direct relationship to agriculture's viability. Residential development has a direct relationship to rural sprawl and residential densities, etc. When necessary, the Group requested speakers from various governmental agencies, businesses, or organizations to educate them on the subjects or to provide further information. Between meetings, staff gathered relevant data and information requested by the Group, and developed a Geographic Information System (GIS) that can be used as a visual land use planning tool.

After each issue was discussed and debated at length, the Group agreed upon a set of goals for the entire Plan based on the fundamental need to balance property values and property rights (see Chapter One). These goals served as

the framework within which all future decisions were made. The Landowner Initiated Zoning (LIZ) emerged as the tool to address many of the land use planning issues while protecting property rights. The LIZ program is outlined in Chapter Three.

### **Formation of a Drafting Committee**

The Group formed a drafting sub-committee that met between meetings and helped staff draft documents related to each planning issue for the Group's review. Each of these documents included four sections:

- a) Introduction
- b) Major Issues
- c) Planning Goals
- d) Policy Alternatives.

### **Developing the Goals and Policy Alternatives**

Using the Plan's framework, the Group selected policy alternatives for each issue and voted on them using a 0 to 10 weighted voting system with 10 being the most favorable vote. Each vote was tallied in the meeting. This approach was used to deal with the complexity of issues and policy alternatives. The weighted voting system allowed Group members to scale their votes to accurately reflect how much they were in favor, or not in favor, of the policy alternatives under consideration. For example, during the industrial and commercial development discussions, most members favored some type of regulation. The weighted voting allowed them to express how much, and what type of regulation they believed was appropriate.

Those policy recommendations receiving threshold support were incorporated into the final draft of the Plan.

### **Structure of the Plan**

As the work continued, the Group further refined the planning issues. They selected the following elements of the Plan:

- \* Property Rights and Property Values
- \* Landowner Initiated Zoning
- \* Industrial and Commercial Development
- \* Junk, Trash and Visual Blight
- \* Agricultural Viability
- \* Residential Development
- \* Open Space, Recreation and Wildlife
- \* Residential Density
- \* Rural Sprawl
- \* Infrastructure, Services and Costs of Growth
- \* Federal Lands in Montezuma County
- \* Intergovernmental Relations

These elements are written as separate chapters in the Plan along with an introduction and summary.

### **Public Education and Input**

At all points in the process, the public was invited to participate either through the public meetings or by giving comments at the Working Group's meetings. The Group published a regular series called the *Citizens' Planning Fact Sheets*. This series detailed their proceedings, and highlighted relevant information and data. The Fact Sheets were distributed throughout the County at locations frequented by the public (e.g. Pleasant View Post Office, grocery and hardware stores, etc. ) The entire series was printed free of charge by the Cortez Newspapers.

### **Adopting the Final Plan**

Once written and agreed upon, the Working Group forwarded the draft Plan to the Montezuma County Planning Commission in August 1996. The Planning Commission made their recommendations and certified the Plan to the Board of County Commissioners. The Commissioners conducted a number of informational meetings, and held a public hearing to get public input on the Plan. After one final round of meetings with the Working Group and the Planning Commission, to go over the changes made, the Plan was adopted by the County Commissioners on \_\_\_\_\_.

### **Unique Approach**

The Montezuma County Board of Commissioners used the approach to developing the Plan, that has been described, because of Montezuma County's uniqueness. In reviewing other planning processes from around the State and the Country, the Commissioners felt that this County's process needed to be "home grown", designed to reflect the particular challenges of the County, and to incorporate all of the various view points related to the issues. Finally, they felt that a Plan developed from the citizen-level would be much more relevant than one developed exclusively by the government.



## **Chapter Three**

### **Landowner Initiated Zoning**

#### **Overview**

Landowner Initiated Zoning (LIZ) is a unique approach that attempts to adapt conventional zoning to the circumstances, values and goals of Montezuma County. This Chapter will review the emergence of LIZ as an alternative to conventional zoning and permitting systems, and provide an overview of the Landowner Initiated Zoning options that are recommended by this Plan.

Chapter Three will conclude with "Landowner Initiated Zoning Matrices" that further define the proposed zones. Since LIZ options directly address issues that are the focus of many subsequent chapters, these detailed *matrices* will be repeated in the context of each of the issues that the plan addresses.

#### **The Limitations of Conventional Zoning**

Conventional Zoning is a tool intended to accomplish two major objectives:

- Objective 1: Putting compatible uses together (eg. residential and most agricultural uses) and designating areas for higher impact uses (eg. industrial and commercial).
- Objective 2: Sorting out densities by minimum parcel size (5 acre parcels, 10 acre parcels, 20 acre parcels etc.).

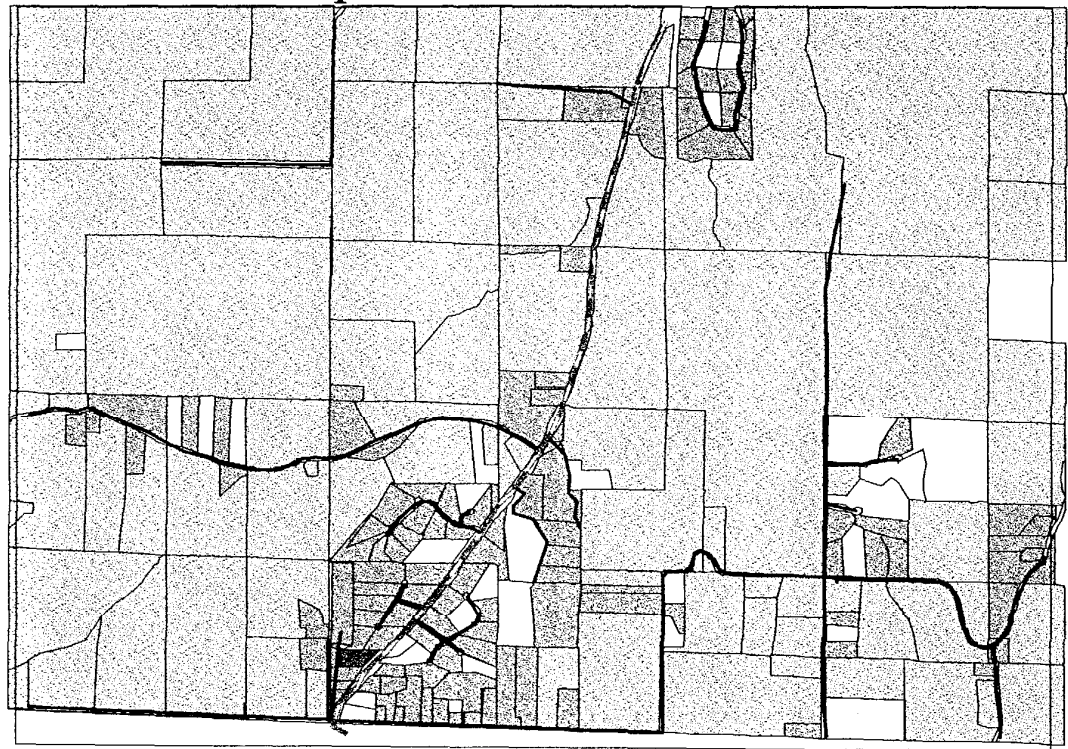
For a variety of reasons, conventional zoning is not recommended by this plan. These reasons include:







1. **An established pattern of mixed parcel sizes.** Established land use patterns in Montezuma County include a mix of large working agricultural parcels and smaller residential and "hobby farm" parcels. These smaller parcels have been created by formal subdivisions as well as by variances or "splits" off of larger agricultural parcels. Agricultural parcels range from 35 acres to over 600 acres, while residential and hobby farm parcels range from 3 acres to 35 acres.

This pattern of mixed parcel sizes is illustrated in Figure 3-A on the following page.



**Figure 3-A**  
**Example of Mixed Parcel Sizes**



-  County Roads
-  Highway 145
-  Agricultural Land
-  Residential Land
-  Vacant Land
-  Commercial Land



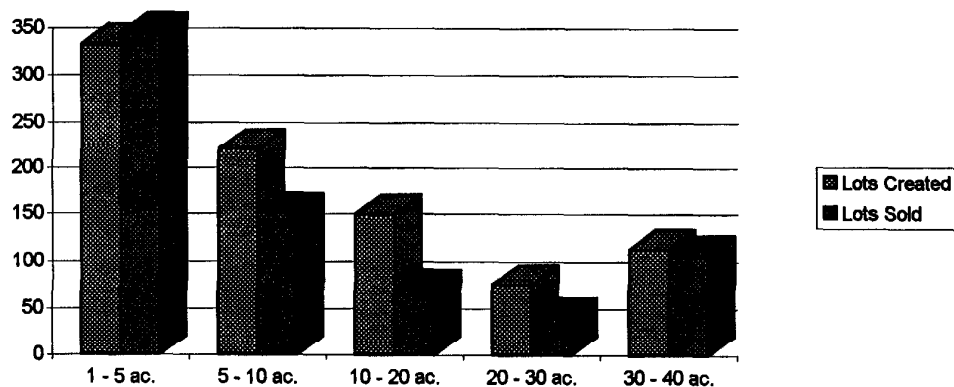
2. **The market for a mix of small and large residential parcels.** Imposing "density zoning," given this mix of parcel sizes illustrated in Figure 3-A, would be very difficult. An analysis of parcels created and sold between 1990 and 1995 indicates that the market for residential parcels is at the high and low end of residential parcel size classes, as illustrated in Table 3-A and Figure 3-B below:

**Table 3-A**  
**Lots Created Compared to Lots Sold by Size Class**  
**Montezuma County: 1990 to 1995**

Parcel Size	# of Lots Created	% of Total Lots Created	# of Lots Sold	% of Total Lots Sold	Lots Sold as % of Lots Created
1 - 5 ac.	332	37%	344	49%	104%
5 - 10 ac.	220	25%	150	21%	68%
10 - 20 ac.	149	17%	69	10%	46%
20 - 30 ac.	75	8%	40	6%	53%
30 - 40 ac.	113	13%	106	15%	94%
Total All Lot Sizes	889	100%	709	100%	80%

**Figure 3-B**

**Lots Created and Sold by Size Class 1990-95**



3. **The 35 acre limit on regulation and the need for incentives.** Under Colorado law, subdivision regulations apply only to parcels of less than 35 acres. The agriculture and open space goals addressed in this plan involve parcels larger than 35 acres. In fact, 314,000 acres or 90% of the private land in Montezuma County is in agricultural parcels of 35 acres or more. The constraints on regulating parcels greater than 35 acres, points to the need for incentive based approaches that can address issues related to larger parcels.

4. **Balancing regulation with protection of private property rights.** Landowner initiated, incentive based tools, are preferred to imposed zoning. This preference is in keeping with a strong historic value for balancing the minimum regulation required with the protection of private property rights.
5. **The accepted blending of agricultural, residential, and home based businesses.** The mix of commercial agriculture with residential, and hobby farm and low impact home businesses is generally acceptable to Montezuma County landowners. "Ag/Residential" is considered an appropriate land use category in Montezuma County.
6. **Socio-economic segregation.** There is concern that conventional zoning segregates those who can afford a larger piece of land and high development standards from those with more limited economic resources. Some degree of segregation is inevitable given market forces, but this plan aims to avoid public policy that intensifies such segregation.

### **The Limitations of a Land Use Permitting System**

A commonly used alternative to conventional zoning is the establishment of a permitting and public hearing process to evaluate and, where necessary, mitigate the impact of land use changes. Standards are developed to guide the public input, impact mitigation and approval processes. Permitting systems also raise a number of concerns:

1. **Isolated decisions tend to be driven by political dynamics.** The major concern about permitting systems is that each land use change tends to be dealt with as an isolated decision. These decisions tend to be shaped by a combination of the intensity of neighborhood opposition, the influence and effectiveness of the applicant and personal judgment on the part of decision makers.
2. **Contentiousness of permitting process and unpredictability about landowner rights and protections.** Without a plan to provide a context for evaluation and decision making, permitting decisions are often contentious, difficult to make, and difficult to defend. A permitting approach leaves a great deal of unpredictability about landowner development rights as well as uncertainty about protection from incompatible uses.
3. **Difficulty of evaluating cumulative impacts of isolated decisions and providing public sector infrastructure and services.** The cumulative effects of isolated permitting decisions are difficult to evaluate in terms of how their long term impacts add up over time. A related problem is unpredictability in the public sector in regard to planning for and providing infrastructure and services.

This plan does recommend a permitting and public hearing process for high impact commercial and industrial development, as described in Chapter Four. A primary tool for meeting the goals of this plan is a variation on zoning, referred to as Landowner Initiated Zoning LIZ.

### **Landowner Initiated Zoning (LIZ)**

The concept of Landowner Initiated Zoning (LIZ) was formulated in an attempt to create an alternative that addresses the above concerns about conventional zoning and permitting systems.

#### **Elements of Landowner Initiated Zoning Include:**

1. A menu of agricultural and residential zones for landowners to choose from.
2. Agricultural and residential zones with minimum lot sizes ranging from 3 acres to 160 acres.
3. Development standards within each zone that take into account the impact of particular uses on a specific range of parcel sizes.
4. Conditional uses for commercial and industrial development within each LIZ zone, supplemented by a permitting/public hearing process, and standards to identify and mitigate high impact industrial and commercial development in unzoned areas.
5. Voluntary incentives within each zone to encourage attainment of Comprehensive Plan goals such as maintaining a productive agricultural land base or providing for open space and/or wildlife.
6. A sign-up period for a variety of agricultural and residential density levels, incentives, and standards which establish development rights in exchange for standards that provide reasonable protection for other landowners from incompatible uses. After the sign-up period, establishing or changing zones will require a public hearing.
7. The freedom for landowners, who so choose, to stay unzoned until they make a land use change that requires zoning, compliance with subdivision regulations or commercial/industrial permitting. The establishment of zoning, or changes in zoning after the sign-up period will require a public hearing.

### **Benefits of Landowner Initiated Zoning:**

1. **Landowner choice and responsibility.** Landowners will have the opportunity to make informed choices about the future of their land.
2. **Predictability concerning property rights.** Landowners who place their land in a LIZ zone will know what their development rights are, and what standards will be required, when they chose to develop. People who chose to remain unzoned can do so until they make a land use change that requires zoning, compliance with subdivision regulations, or an industrial and commercial permit.
3. **Predictability concerning property values.** As landowners put their land into zoning, neighbors and potential buyers will know what kind of development to anticipate and be able to adjust expectations and plans accordingly.
4. **Opportunities to establish neighborhood goals and cooperation.** The opportunity will be provided for neighbors to work together to determine the future of their neighborhoods by choosing compatible zoning.
5. **Predictability concerning the provision of infrastructure and services.** As zoning patterns are established, the County and other utility and service providers will be in a better position to plan for future development and respond to growth in a more cost-effective manner.
6. **An incentive based approach to the preservation of open space and productive agricultural lands.** Since the LIZ system is voluntary, zones are included involving 40 acre and 160+ acre parcels. These zones provide incentives for the preservation of open space and the protection of productive agricultural lands, in a manner that doesn't lock people permanently into agriculture.
7. **Flexibility to mix parcel sizes and accommodate a mix of agricultural, residential, and low impact business uses.** LIZ allows flexibility for the continued mix of smaller residential and large agricultural parcels based on market circumstances and landowner goals. Provisions are also made in each LIZ zone for low impact commercial and home based business activities as appropriate to the minimum parcel size.

**Concerns Regarding Landowner Initiated Zoning:**

While the majority of the Working Group voted to support Landowner Initiated Zoning (LIZ), as a policy to be recommended in this Plan, a number of concerns were expressed with regard to LIZ, including the following:

1. A substantial amount of land could remain unzoned, limiting the predictability that zoning is intended to create.
2. By allowing people to zone large tracts of land for small lot development, LIZ could create an expectation that, at any point in the future, such development will be approved and provided with roads, utilities and services. No entity, including the County, can honor advance commitments that may prove infeasible when the time for actual development arrives.
3. Given the revenue limitations of the County, the cost of one landowner's LIZ zoning choice may be passed on to other landowners, in the form of deteriorating services and/or increased taxes.
4. One landowner's choice of LIZ zoning could also create development opportunities that are highly incompatible with the values and interests of others in the neighborhood.
5. LIZ is a complex approach to land use planning. It may be difficult for landowners to understand. It may also be complicated and expensive for the County to administer.

A Proposed Menu of Landowner Initiated Zones is presented beginning on the following page. "A" zones are Agriculture, "A/R" zones are Agriculture/Residential and "R" zones are Residential. During the sign up period of 12 to 18 months, the "A", "A/R", "R" and "Open Space" (OS) zones could be approved without a public hearing, except in cases where zoning for large numbers of small lots would create a high level of impact on public facilities, taxpayer funded costs and other landowners in the area. After the sign-up period is over, a public hearing will be required to change zones or to move unzoned land into a Landowner Initiated Zoning category.

Conceptual definitions for each of the proposed Landowner Initiated Zones is presented as a "Proposed Menu of Landowner Initiated Zones", beginning on the following page. The conceptual menu is followed by a more detailed Landowner Initiated Zoning Matrix for each of the proposed zones. The Conceptual Definitions refer to the Chapter in which each LIZ matrix is presented and put in the context of the overall plan.

## **Proposed Menu of Landowner Initiated Zones With Conceptual Definitions**

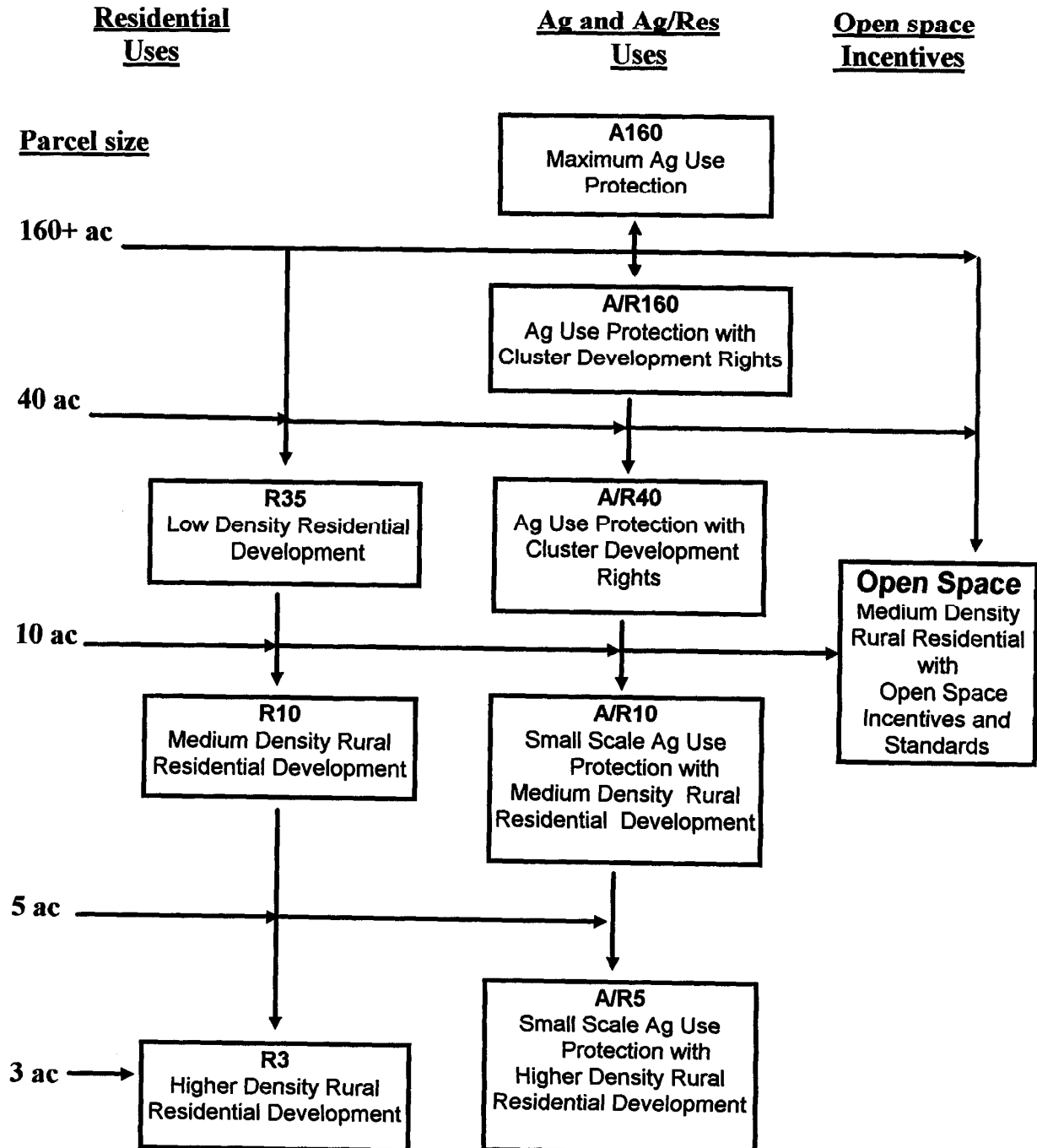
- A160** This zone is designed to maximize the protection of large lot (160+ acres) agricultural users to continue agricultural operations, and to engage in more intensive agribusiness activities, such as feedlots and processing facilities. The more intensive uses require setbacks from property lines and standards to mitigate off-site impacts, such as air and water pollution. Landowners in this zone may be eligible for conservation easement incentives. (Details in Chapter Six)
- A/R160** This zone combines the protections of A160 for conventional agriculture and the flexibility to develop up to 12 clustered (or dispersed) and phased lots or home sites per 160 acres, without having to sacrifice productive ag land to meet minimum lot size standards. Higher intensity uses are conditional given the prospect of home site development around farmed areas. Landowners in this zone may also be eligible for conservation easement incentives. (Details in Chapter Six)
- A/R40** This zone is intended for the smaller agricultural user to continue agricultural operations while having the flexibility to develop 2 clustered lots or home sites per 35 acres. (Details in Chapter Six)
- A/R10** This zone allows for the low intensity agricultural uses while protecting surrounding uses from higher impact commercial, industrial and agricultural uses ( i.e. feedlots, ag products processing). (Details in Chapter Seven)
- A/R5** This zone is similar to A/R10 with added restrictions on the scale of agricultural uses allowed on the smaller agricultural lots. (Details in Chapter Seven)
- R3** This zone is intended to be a purely residential zone where the emphasis is on the enjoyment of the land in a residential setting. (Details in Chapter Seven)
- R10 & R35** These two zones are intended for the larger residential lot owner and developer whose priority is the enjoyment of a larger parcel of land for purely residential uses. (Details in Chapter Seven)

- OPEN SPACE** This zone is intended for the preservation of open space for residential, recreational and wildlife purposes on non-agricultural land, such as wooded lands. Standards are geared to maximizing open space and wildlife habitat while providing for residential needs. Conservation easements may be available for open space created by cluster development. (Details in Chapter 8)
- INDUSTRIAL** This would be a conditional use zone with standards to minimize impacts on surrounding uses. The establishment of an industrial zone would require a public hearing. Establishing this zoning would differ from the commercial/industrial permitting process, in that proposed uses could be established in advance of the land use change, allowing for the development of appropriate infrastructure and alerting other users to the potential change. (Details in Chapter Four)
- COMMERCIAL** This would be a conditional use zone for commercial uses with standards to minimize impacts on surrounding uses. Establishing this zoning would differ from the commercial/industrial permitting process, in that proposed uses could be established in advance of the land use change, allowing for the development of appropriate infrastructure, and alerting other users to the potential change. (Details in Chapter Four)
- URBAN SERVICES** This would be a conditional use zone that would allow for higher density (less than 3 acre lots) residential, commercial and industrial development where sewer and other urban services are available. Standards would address various uses as well as issues related to higher density development. Urban Service zoning near existing towns would reflect consistent standards in anticipation of potential future annexations. This zone could also be adapted for use in unincorporated towns such as Pleasant View. (Details in Chapter 10)
- UNZONED** Landowners who remain in the unzoned category can continue with present uses without interruption. Unzoned landowners who wish to change use to a high impact commercial or industrial use would go through a commercial or industrial permit hearing. Unzoned landowners who wish to subdivide land will be required (as they are currently) to comply with subdivision regulations. Unzoned landowners would also be encouraged to apply for LIZ zoning that is compatible with the type of subdivision being proposed.



As Figure 3-C illustrates, larger parcels offer the greatest flexibility of use because land uses can be arranged and conducted on the site with minimal impacts on adjacent landowners. The owner of a 160 acre parcel has the full range of choices depicted below. As the minimum parcel size decreases the potential impact of one landowner on another increases; therefore, allowable uses become more limited and more conditional as parcels get smaller and densities get higher.

**Figure 3-C**  
**LIZ Ag, Residential, Open Space Options**



In the Landowner Initiated Zoning Matrices that follow, "Uses-by-right" are those uses, within a particular zone that the landowner has a right to undertake, so long as the required standards are followed. Uses-by-right generally don't require a public hearing. "Conditional uses" are those uses within a particular zone that are conditioned on meeting required standards, and taking any necessary steps to minimize the impacts of such uses on other landowners, as well as impacts on public facilities, services and costs. Conditional uses require a public hearing to determine what conditions, if any, need to be attached to approval of the use.

## Agriculture A-160 Landowner Initiated Zoning Matrix

This zone is designed to provide maximum protection of large lot agricultural users including more intensive agribusiness activities such as feedlots and processing facilities.

DESIGNATION	PARCEL SIZE	USES-BY-RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
A-160	160AC+	<p>1 RESIDENCE &amp; FARM WORKER HOUSING RIGHT TO FARM PROTECTIONS WOULD BE MAXIMIZED IN THIS ZONE LANDOWNER USE BY RIGHT TO CHANGE TO A/R-160 ZONE IF STANDARDS ARE MET TRUCK FARMS, AND GREEN HOUSES ARE USES BY RIGHT IF COMMERCIAL STANDARDS ARE MET PROCESSING OF LOCAL AG PRODUCTS IS A USE BY RIGHT IF STANDARDS ARE MET.</p> <hr/> <p>FEEDLOTS ARE ALLOWED BY RIGHT PROVIDED STANDARDS ARE MET.</p> <hr/> <p>EXTRACTION OF ON-SITE NATURAL RESOURCES PRODUCTION (GRAVEL, TIMBER ETC.) IS A USE BY RIGHT IF STANDARDS ARE MET.</p> <hr/>	<p>PUBLIC NOTIFICATION HEARING FOR FEEDLOTS</p> <hr/> <p>OIL, GAS COAL AND OTHER MINING</p> <hr/> <p>OTHER INDUSTRIAL USES</p> <hr/> <p>OTHER COMMERCIAL USES</p> <hr/>	<p>STANDARDS TO MITIGATE THE IMPACTS OF DUST, NOISE, ODORS, WATER/AIR POLLUTION, AND FREQUENT HEAVY TRUCK HAULING.</p> <hr/> <p>FEEDLOT STANDARDS:</p> <ul style="list-style-type: none"> <li>• SETBACKS FROM PROPERTY LINES TO MINIMIZE IMPACT ON ADJACENT PROPERTY OWNERS.</li> <li>• STANDARDS TO GUIDE THE NUMBER OF HEAD RELATIVE SIZE OF CONTAINMENT AREA PARCEL AND TIME IN FEEDLOT (SEASONAL VS YEAR ROUND) "FEEDLOT" MUST BE CAREFULLY DEFINED.</li> </ul> <hr/> <p>NATURAL RESOURCE PRODUCTION STANDARDS SAME AS AG PRODUCTS WITH THE ADDITION OF RECLAMATION STANDARDS, VISUAL BUFFERING AND APPLICABLE STATE/FEDERAL LAWS.</p> <hr/> <p>STANDARDS SAME AS NATURAL RESOURCE PRODUCTION WITH ADDITIONAL STANDARDS FOR MAJOR POWERLINES, PIPELINES AND OTHER HIGH INTENSITY INDUSTRIAL USES.</p> <hr/> <p>COMMERCIAL STANDARDS: ROAD ACCESS, TRAFFIC CIRCULATION, PARKING, LIGHTING, AND RESIDENTIAL BUFFERS.</p>

## Ag/Residential A/R-160 Landowner Initiated Zoning Matrix

This zone combines the protections of A160 for conventional agriculture and the flexibility to develop clustered or dispersed home sites without having to sacrifice productive ag land to meet minimum lot size standards. Higher intensity uses are conditional given the prospect of home site development around farmed areas. Landowners in this zone may be eligible for conservation easement incentives.

DESIGNATION	PARCEL SIZE	USES BY RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
A/R 160	160AC+	<p>1 RESIDENCE &amp; FARM WORKER HOUSING</p> <p>A/R-160 CLUSTER OR DISPERSED HOUSING DEVELOPMENT RIGHTS:</p> <ul style="list-style-type: none"> <li>• THE RIGHT TO DEVELOP TWO HOME SITES PER 40 ACRES,</li> <li>• THE RIGHT TO CLUSTER HOME SITES OF ANY CONFIGURATION OR SIZE THAT WILL SUPPORT SEPTIC.</li> <li>• THE RIGHT TO PHASE DEVELOPMENT OF HOME SITES AND SUPPORTING UTILITIES ON AN AS NEEDED BASIS.</li> </ul> <p>FARMING &amp; RANCHING IS A USE BY RIGHT PROTECTED BY RIGHT TO FARM POLICIES.</p>	<p>CLUSTER DEVELOPMENT DENSITY BONUS:</p> <ul style="list-style-type: none"> <li>• UP TO FOUR ADDITIONAL HOME SITES PER 160 ACRES IF STANDARDS ARE MET.</li> <li>• BONUS SITES MAY BE CLUSTERED WITH THE OTHER HOME SITES LEAVING REMAINING LANDS IN AGRICULTURAL USE.</li> </ul> <p>OR</p> <p>BONUS SITES CAN BE ATTACHED TO REMAINING 40 ACRE PARCELS TO ALLOW FOR THE FINAL DIVISION OF AGRICULTURAL LANDS.</p> <p>FEEDLOTS WILL REQUIRE A HEARING TO EVALUATE COMPLIANCE WITH STANDARDS.</p> <p>AG PROCESSING FACILITIES WILL REQUIRE A HEARING TO EVALUATE COMPLIANCE WITH STANDARDS.</p> <p>ON-SITE NATURAL RESOURCES PRODUCTION (GRAVEL, TIMBER ETC.) AND OTHER INDUSTRIAL USES WILL REQUIRE A HEARING</p> <p>COMMERCIAL / INDUSTRIAL USES</p>	<p>A-160 CLUSTER HOUSING DEVELOPMENT STANDARDS:</p> <ul style="list-style-type: none"> <li>• AVOID OR MINIMIZE THE LOSS OF PRODUCTIVE AGRICULTURAL LAND</li> <li>• PROVIDE A ROAD PLAN FOR EACH CLUSTER WITH ADEQUATE EMERGENCY SERVICE ACCESS.</li> <li>• MINIMIZE COUNTY ROAD ACCESS POINTS FOR CLUSTER HOME SITES.</li> <li>• PROVIDE A PLAN FOR ADEQUATE SEPTIC CAPABILITY TO SERVE CLUSTERED HOME SITES.</li> </ul> <p>FEEDLOT STANDARDS:</p> <ul style="list-style-type: none"> <li>• SETBACKS FROM PROPERTY LINES TO MINIMIZE IMPACT ON ADJACENT PROPERTY OWNERS.</li> <li>• SETBACK FROM IN-PARCEL AREAS INTENDED FOR EVENTUAL CLUSTER DEVELOPMENT</li> <li>• STANDARDS TO GUIDE THE NUMBER OF HEAD RELATIVE SIZE OF CONTAINMENT AREA AND PARCEL</li> </ul> <p>STANDARDS TO MITIGATE THE IMPACTS OF DUST, NOISE, ODORS, WATER/AIR POLLUTION, AND FREQUENT HEAVY HAULING.</p> <p>NATURAL RESOURCE AND INDUSTRIAL PRODUCTION STANDARDS SAME AS AG PRODUCTS WITH THE ADDITION OF RECLAMATION STANDARDS, VISUAL BUFFERING AND APPLICABLE STATE/FEDERAL LAWS.</p> <p>COMMERCIAL / INDUSTRIAL STANDARDS: ROAD ACCESS, TRAFFIC CIRCULATION, PARKING, LIGHTING, RESIDENTIAL BUFFERS, UTILITY CONCERNS, COMPLIANCE WITH APPLICABLE LAWS.</p>

WHAT ABOUT GROUPING CLUSTER RIGHTS ON NON-CONTIGUOUS PARCELS? NEED TO DEFINE "CLUSTER".  
FARMING AND "RANCHING" WILL NEED TO BE DEFINED TO BE DISTINGUISHED FROM HIGHER INTENSITY USES (EG. FEEDLOTS)

## Ag/Residential A/R-40 Landowner Initiated Zoning Matrix

This zone is intended for the smaller agricultural user to continue ag operations while having some flexibility to develop clustered or dispersed lots or home sites.

DESIG-NATION	PARCEL SIZE	USES-BY-RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
A/R-40	35-40 ACRES	ONE SINGLE FAMILY RESIDENCE		
		FARMING AND RANCHING IS A USE BY RIGHT, PROTECTED BY STATE/COUNTY RIGHT-TO-FARM POLICIES.		
		<p>A/R-40 CLUSTER OR DISPERSED HOUSING DEVELOPMENT RIGHTS:</p> <ul style="list-style-type: none"> <li>• THE RIGHT TO DEVELOP TWO HOME SITES PER 40 ACRES,</li> <li>• THE RIGHT CLUSTER THE HOUSE SITE DEVELOPMENT RIGHTS FROM MULTIPLE 40 ACRE PARCELS ON A SINGLE PARCEL.</li> <li>• THE RIGHT TO CLUSTER HOME SITES OF ANY CONFIGURATION OR SIZE THAT WILL SUPPORT SEPTIC.</li> <li>• THE RIGHT TO PHASE DEVELOPMENT OF HOME SITES AND SUPPORTING UTILITIES ON AN AS NEEDED BASIS.</li> </ul>		<p>A/R-40 CLUSTER HOUSING DEVELOPMENT STANDARDS:</p> <ul style="list-style-type: none"> <li>• AVOID OR MINIMIZE THE LOSS OF PRODUCTIVE AGRICULTURAL LAND</li> <li>• PROVIDE A ROAD PLAN FOR EACH CLUSTER WITH ADEQUATE EMERGENCY SERVICE ACCESS.</li> <li>• MINIMIZE COUNTY ROAD ACCESS POINT FOR EACH CLUSTER.</li> <li>• PROVIDE A PLAN FOR ADEQUATE SEPTIC CAPABILITY TO SERVE CLUSTERED HOME SITES.</li> </ul>
		TRUCK FARMS ARE A USE BY RIGHT IF COMMERCIAL STANDARDS ARE MET	COMMERCIAL GREEN HOUSE	COMMERCIAL STANDARDS: VISUAL, POLLUTION, TRAFFIC SAFETY, ROAD IMPACTS, PUBLIC FISCAL IMPACTS.
			OTHER COMMERCIAL & INDUSTRIAL USES	STANDARDS TO MITIGATE THE IMPACTS OF DUST, NOISE, ODORS, WATER/AIR POLLUTION, TRAFFIC, FREQUENT HEAVY HAULING, AND PUBLIC FISCAL IMPACTS. STANDARDS MAY ALSO REQUIRE RECLAMATION AND VISUAL BUFFERING.
			OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT	STANDARDS OUTLINED IN OPEN SPACE ZONE MENU

"FARMING" AND "RANCHING" WILL NEED TO BE DEFINED TO BE DISTINGUISHED FROM HIGHER INTENSITY USES (EG. FEEDLOTS)

## Ag/Residential A/R-10 Landowner Initiated Zoning Matrix

This zone allows for the small agricultural uses while protecting surrounding uses from possible impacts from heavier commercial industrial and agricultural uses ( i.e. feedlots, ag products processing, etc.).

ZONE NATION	MINIMUM PARCEL SIZE	USES BY RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
A/R-10	10 ACRES	ONE SINGLE FAMILY RESIDENCE		COMPLIANCE WITH SUBDIVISION REGULATIONS
		CROPS, ORCHARDS, AND GRAZING STORAGE OF CROPS		
		BED AND BREAKFAST (WITH STANDARDS)		ROAD IMPACT, SAFETY, ACCESS, AND PARKING,
		SALE OF ON-FARM PRODUCE		
			ANIMAL BOARDING PRIVATE STABLES	# OF ANIMALS CONTAINED, SETBACKS, NOISE MANAGEMENT, LICENSING STANDARDS ROAD IMPACT, SAFETY, ACCESS, PARKING AND PLACEMENT OF COMMERCIAL STRUCTURES
			HOME DAY CARE (CHILDREN), ELDERLY BOARD AND CARE	ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM COMPLIANCE WITH STATE LICENSING STANDARDS.
			COMMERCIAL GREENHOUSE	ROAD IMPACT, SAFETY, ACCESS, AND PARKING PLACEMENT OF COMMERCIAL STRUCTURES RESIDENTIAL BUFFERING AND/OR SCREENING LIGHTING IMPACTS
			NEIGHBORHOOD STORE	ROAD IMPACT, SAFETY, ACCESS, AND PARKING. PLACEMENT OF COMMERCIAL STRUCTURES. RESIDENTIAL BUFFERING AND/OR SCREENING LIGHTING IMPACTS
			HOME BASED BUSINESSES (LOW IMPACT)	VISUAL IMPACT MAY REQUIRE BUFFERING AND/OR SCREENING ROAD IMPACT SAFETY, ACCESS, AND PARKING PLACEMENT OF COMMERCIAL STRUCTURES LIGHTING IMPACTS
			OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT	LOW IMPACT HOME BASED INDUSTRIAL USES ALSO MUST MEET STANDARDS FOR DUST, NOISE, ODORS, WATER/AIR POLLUTION, AND FREQUENT HEAVY HAULING.  STANDARDS OUTLINED IN OPEN SPACE ZONE MENU

## Ag/Residential A/R-5 Landowner Initiated Zoning Matrix

This zone is similar to the A/R - 10 with added restrictions on the scale of agricultural uses allowed on the smaller agricultural lots.

DESIGNATION	MINIMUM PARCEL SIZE	USES BY-RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
A/R 5	5 ACRES	ONE SINGLE FAMILY RESIDENCE		COMPLIANCE WITH SUBDIVISION REGULATIONS
		CROPS, ORCHARDS, GRAZING STORAGE OF CROPS SALE OF ON-FARM PRODUCE	COMMERCIAL GREENHOUSE	ROAD IMPACT, SAFETY, ACCESS, AND PARKING PLACEMENT OF COMMERCIAL STRUCTURES RESIDENTIAL BUFFERING AND/OR SCREENING LIGHTING (IMPACTS ON ADJACENT PROPERTY)
			ANIMAL BOARDING	ROAD IMPACT, SAFETY, ACCESS, AND PARKING ANIMAL CONTAINMENT, SETBACKS, NOISE MANAGEMENT, LICENSING STANDARDS
			BED AND BREAKFAST	ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM
			HOME DAY CARE (CHILDREN), ELDERLY BOARD AND CARE	ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM COMPLIANCE WITH STATE LICENSING STANDARDS.
			NEIGHBORHOOD STORE	ROAD IMPACT, SAFETY, ACCESS, AND PARKING PLACEMENT OF COMMERCIAL STRUCTURES
			HOME BASED BUSINESSES	VISUAL IMPACT MAY REQUIRE BUFFERING AND/OR SCREENING ROAD IMPACT SAFETY, ACCESS, AND PARKING PLACEMENT OF COMMERCIAL STRUCTURES LIGHTING (IMPACTS ON ADJACENT PROPERTY)
				HOME BASED INDUSTRIAL USES ALSO MUST MEET STANDARDS FOR DUST, NOISE, ODORS, WATER/AIR POLLUTION, AND FREQUENT HEAVY HAULING.
			OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT	STANDARDS OUTLINED IN OPEN SPACE ZONE MENU

## Residential R-35 Landowner Initiated Zoning Matrix

This zone is intended for the larger residential lot owner whose priority is the enjoyment of a larger parcel of land for purely residential and recreational uses.

DESIG- NATION	MINIMUM PARCEL SIZE	USES-BY-RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
R-35	35 ACRES	<p>ONE SINGLE FAMILY RESIDENCE WITH ACCESSORY USES</p> <p>FAMILY GARDEN AND ORCHARD</p> <p>LIVESTOCK FOR FAMILY CONSUMPTION, 4-H PROJECTS, AND RECREATION</p> <p>BED AND BREAKFAST (WITH STANDARDS)</p>	<p>HOME DAY CARE (CHILDREN) ELDERLY BOARD AND CARE</p> <p>HOME BASED BUSINESSES ( LOW IMPACT)</p> <p>OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT</p>	<p>COMPLIANCE WITH SUBDIVISION REGULATIONS</p> <p>NO FURTHER LAND SPLITS ALLOWED</p> <p>ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM</p> <p>ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM COMPLIANCE WITH STATE LICENSING STANDARDS.</p> <p>LIMITED TRAFFIC LIMITED HOURS OF OPERATION MINIMAL VISUAL IMPACT</p> <p>LOW IMPACT HOME BASED INDUSTRIAL USES ALSO MUST MEET STANDARDS FOR DUST, NOISE, ODORS, WATER/AIR POLLUTION, AND FREQUENT HEAVY HAULING.</p> <p>STANDARDS OUTLINED IN OPEN SPACE ZONE MENU</p>



## Residential R-10 Landowner Initiated Zoning MATRIX

This zone is intended for the larger residential lot owner whose priority is the enjoyment of a larger parcel of land for purely residential and recreational uses.

DESIG-NATION	MINIMUM PARCEL SIZE	USES BY-RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
R-10	10 ACRES	<p>ONE SINGLE FAMILY RESIDENCE WITH ACCESSORY USES</p> <p>FAMILY GARDEN AND ORCHARD</p> <p>LIVESTOCK FOR FAMILY CONSUMPTION, 4-H PROJECTS, AND RECREATION</p> <hr/> <p>BED AND BREAKFAST (w/STANDARDS)</p>	<hr/> <p>HOME DAY CARE (CHILDREN) ELDERLY BOARD AND CARE</p> <hr/> <p>HOME BASED BUSINESSES (LOW IMPACT)</p> <hr/> <p>OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT</p>	<p>COMPLIANCE WITH SUBDIVISION REGULATIONS</p> <p>NO FURTHER LAND SPLITS ALLOWED</p> <hr/> <p>ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM</p> <hr/> <p>ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM COMPLIANCE WITH STATE LICENSING STANDARDS.</p> <hr/> <p>LIMITED TRAFFIC LIMITED HOURS OF OPERATION MINIMAL VISUAL IMPACT</p> <p>LOW IMPACT HOME BASED INDUSTRIAL USES ALSO MUST MEET STANDARDS FOR DUST, NOISE, ODORS, WATER/AIR POLLUTION, AND FREQUENT HEAVY HAULING.</p> <hr/> <p>STANDARDS OUTLINED IN OPEN SPACE ZONE MENU</p>

## Residential R-3 Landowner Initiated Zoning MATRIX

This zone is intended to be a pure residential zone where the emphasis is on the enjoyment of the land in a residential setting.

DESIGNATION	MINIMUM PARCEL SIZE	USES BY RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
R-3	3 ACRES	ONE SINGLE FAMILY RESIDENCE FAMILY GARDEN AND ORCHARD LIVESTOCK FOR FAMILY CONSUMPTION, 4-H PROJECTS, AND RECREATION		COMPLIANCE WITH SUBDIVISION REGULATIONS
			BED AND BREAKFAST	ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM
			HOME DAY CARE (CHILDREN) ELDERLY BOARD AND CARE	ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM COMPLIANCE WITH STATE LICENSING STANDARDS.
			HOME BASED BUSINESSES (INDOOR ONLY)	LIMITED TRAFFIC LIMITED HOURS OF OPERATION MINIMAL VISUAL IMPACT
			OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT	STANDARDS OUTLINED IN OPEN SPACE ZONE MENU

## Open Space Landowner Initiated Zoning Menu (DRAFT)

This zone is intended for preservation of open space for residential, recreational and wildlife purposes

DESIG- NATION	MINIMUM PARCEL SIZE	PERMITTED USES NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
OS	10 ACRES CONVENTIONAL SUBDIVISION	ONE SINGLE FAMILY RESIDENCE  FAMILY GARDEN AND ORCHARD  PRIVATE PARK AND RECREATIONAL FACILITIES		COMPLIANCE WITH SUBDIVISION REGULATIONS  <u>ALL LOTS MUST COMPLY WITH RESTRICTIONS CONCERNING:</u> <ul style="list-style-type: none"> <li>HOMESITE PLACEMENT/SPACING</li> <li>VISUAL QUALITY</li> <li>WILDLIFE SENSITIVITY</li> <li>ROAD IMPACT</li> <li>COVENANTS- <ul style="list-style-type: none"> <li>PROPERTY MANAGEMENT</li> <li>PET CONTROL</li> <li>WEED CONTROL</li> <li>ECT.</li> </ul> </li> <li>FIRE/EMS SERVICE</li> </ul>
	OR          W/ CLUSTER DEVELOPMENT (DEPENDS ON SEPTIC CAPABILITY)	CLUSTER INCENTIVES AVAILABLE ON PARCELS GREATER THAN 10 ACRES THAT ARE NOT A PART OF AN EXISTING OR PROPOSED SUBDIVISION		<u>ADDITIONAL RESTRICTIONS FOR CLUSTERS ARE:</u> CLUSTER DEVELOPMENT RIGHTS: <ul style="list-style-type: none"> <li>1 HOMESITE PER 5 ACRES</li> <li>5 HOMESITES PER CLUSTER</li> <li>4 CLUSTERS PER PARCEL</li> </ul> CLUSTER STANDARDS: <ul style="list-style-type: none"> <li>MINIMIZE THE LOSS OF OPEN SPACE AND WILDLIFE HABITAT.</li> <li>PROVIDE A ROAD PLAN FOR EACH CLUSTER WITH ADEQUATE EMERGENCY SERVICE ACCESS.</li> <li>ONE OR TWO COUNTY ROAD ACCESS POINT FOR EACH CLUSTER.</li> <li>PROVIDE A PLAN FOR ADEQUATE SEPTIC CAPABILITY TO SERVE CLUSTERED HOME SITES.</li> <li>SPACING OF CLUSTERS TO MAXIMIZE VISUAL QUALITY AND WILDLIFE HABITAT</li> </ul>
			HOME BASED BUSINESSES (INDOOR ONLY)	LIMITED TRAFFIC LIMITED HOURS OF OPERATION MINIMAL VISUAL IMPACT

## **Chapter Four**

### **Industrial and Commercial Development**

#### **Overview**

The primary concern about industrial and commercial development is potential incompatibility with residential uses, and the resulting negative impact on surrounding property values. A secondary concern is the visual impact of poorly designed industrial and commercial development on the highway corridors, that set the image for the county and its towns. The third concern is a lack of designated areas for industrial development, that would allow for the strategic development of the infrastructure needed to support industrial activity.

The Plan seeks to address these concerns in a manner that doesn't needlessly restrict the development and operation of local businesses. A primary concern in this regard is that regulation and mitigation measures be applied only to those industrial and commercial uses that are "high impact," in terms of their effect on surrounding property values, public health and safety, and taxpayer funded costs.

There is a strong desire to avoid unnecessary intervention, costs, or delays for businesses that do not meet high impact thresholds. There is also a recognition that the Gallagher Amendment, which limits the contribution of residential property to 45% of the property tax bill, results in a major share of property taxes being paid by commercial and industrial landowners. In 1996 commercial and industrial property (not including agricultural and natural resource production) represented 18% of the property tax base.

The major challenge in addressing industrial and commercial development is how to determine appropriate thresholds for "high impact" commercial and industrial development. The degree of impact that these uses have, depends on the specific use and the context of surrounding uses, within which a particular industrial and commercial use is being proposed or conducted. For example, industrial uses in smaller parcel residential areas can be disruptive for the residential quality of life and have a major impact on the county road. Similar activity could be conducted in an area where parcels are still large with minimal disruption. The same activity along a state highway may avoid residential disruption and road impacts, but result in a visual impact that is a negative reflection on the community at large.

To effectively evaluate and mitigate high impact industrial and commercial development requires that these uses be looked at on a case by case basis, using a specified set of criteria, and taking into account surrounding land uses. Before discussing specific criteria, three process mechanisms will be introduced.

This plan proposes three mechanisms for addressing the above concerns related to industrial and commercial development:

1. **Conditional Uses within Landowner Initiated Ag/Residential zones.** Each of the LIZ zones will include conditional commercial and industrial uses, standards and public hearing requirements. Since these zones are initiated to protect predominately agricultural and residential land use patterns, conditional uses will be defined and standards set to minimize conflicts. The minimum parcel size allowed in each zone is a key factor in setting and applying industrial and commercial standards.
2. **Landowner Initiated Industrial and Commercial Zones.** These zones will allow for industrial and commercial uses to be established in advance of actual changes of use. Pre-established industrial and commercial zones would allow for the strategic development of infrastructure adequate to serve industrial and commercial uses. Such zoning would require a public hearing to be conducted, with standards focusing on potential conflicts with existing uses and the feasibility of providing adequate infrastructure without unwarranted public costs.
3. **High Impact Industrial and Commercial Permitting.** The industrial and commercial permitting process will be put in place to handle such development in areas that remain unzoned. Since permits could be requested anywhere in the County, standards will be designed to address issues that potentially make industrial and commercial development incompatible with established agricultural and residential uses. The public health and safety as well as public costs will also be addressed in the standards.

The effective use of all three of the above mechanisms depends on defining the factors to be considered in evaluating the compatibility of proposed industrial and commercial uses, and in determining what constitutes "high impact" thresholds that require mitigation to reduce impacts. *It is not within the scope of this plan to set impact thresholds.* This plan does attempt to define determining factors for evaluating potential industrial and commercial impacts.

What follows is a listing of determining factors followed by graphic presentations concerning the nature of the potential impact, a high impact - low impact continuum, and some possible mitigation measures for lowering the level of impact.

It has been suggested that the low to high impact continuum, depicted below, be linked to a scale of one to ten points. Projects falling on the lower end of the scale would be quickly evaluated and approved, while projects on the upper end of the impact scale would be subject to a public hearing process, with mitigation measures utilized to lower the degree of impact to acceptable levels.

## **Proposed Criteria for Evaluating the Potential Level of Industrial and Commercial Impacts**

### **Visual Impact**

- enclosure of use
- outside storage
- outside lighting
- building size, height, placement
- compatibility with surrounding uses

### **Pollution**

- air / water quality
- noise
- sewage/septic capacity
- waste types, storage and disposal

### **Road Impact**

- traffic levels
- heavy truck hauling
- distance to state highway access point
- road maintenance impact
- traffic safety
- parking

### **Scale of Operation**

- space requirements
- scale of production
- # of customers anticipated
- # of employees

### **Governmental Services**

- law enforcement frequency and distance
- fire protection distance from station, fire fighting water source

These factors are presented in the matrices that follow. Each arrow represents a continuum that will require standards and guidelines to distinguish between low impact and high impact industrial and commercial uses and to specify mitigation measures that could be required to move a proposed industrial and commercial development back to a level of impact that can be approved.

## High Impact Industrial Permitting

Industrial use : A use that involves the repairing, manufacturing, processing, assembling or storage of a product for sale.

	NATURE OF IMPACT	LOW IMPACT ← → HIGH IMPACT		POSSIBLE MITIGATION ISSUES
<div style="border: 1px solid black; padding: 5px; width: 150px; margin-bottom: 5px;">INDUSTRIAL CATEGORIES</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">NATURAL RESOURCE EXTRACTION</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">MANUFACTURE / ASSEMBLY</div> <div style="border: 1px solid black; padding: 5px;">TRADE SHOPS</div>	Visual impact			
	enclosure of use	no outside storage	outside storage	screening of storage area
	outside lighting	limited outside lighting	heavy outside lighting	screening of waste disposal
	building size/height	small building	large building	building placement
	compatibility with surrounding uses	similar use	substantially different use	buffers, setbacks, screening
	Pollution			
	air / water quality	no pollution potential	high pollution potential	comply w/ appro. standards
	waste disposal	non-toxic	toxic	comply w/ appro. standards
	noise	low noise levels	freq high noise levels	setbacks
	sewage	city sewer connection	req. separate system	comply w/ appro. standards
	Traffic/Road impact			
	traffic increase	routine traffic	heavy traffic	dust abatement
	county road impact	limited hauling	heavy hauling	upgrade road surface
		highway access	county road access	"
	traffic safety	good access	blind access	engineer safe access
	Scale of operation			
	space requirements	garage workshop	factory	size of parcel / placement
	scale of production	local production	mass production	buffering
	# of employees	small # of emp.	large # of emp.	
	Governmental Services			
	law enforcement	occ. response	freq response	provide own security
	fire protection	close to station	remote	install sprinkling system

## High Impact Commercial permitting

Commercial uses: Businesses that offer goods or services to the general public at wholesale or retail

COMMERCIAL CATEGORIES	NATURE OF IMPACT	LOW IMPACT	HIGH IMPACT	POSSIBLE MITIGATION ISSUES
AG SERVICES	Visual impact			
COMM STORAGE	enclosure of use	limited outside storage	outside storage	screening of storage area
COMM. REC. FAC.	outside lighting	min. outside lighting	heavy outside lighting	buffering / screening
CONST SERVICES	building size/height	small building	large building	building placement
	compatibility with surrounding uses	similar use	substantially different use	buffers, setbacks, screening
GROCERY STORE	Pollution			
HOTEL / MOTEL	waste disposal	non-toxic	toxic	meet appro. nat. standards
CONVENIENCE STORE	air / water quality	sewage sys avail.	requires separate system	"
	noise	occasional noise	constant high noise	setbacks
	sewage	sewage avail	req separate system	comply w/ appro. standards
GENERAL RETAIL	Traffic/Road impact			
SALVAGE OPER.	traffic increase	routine traffic	heavy traffic	dust abatement
VEHICAL REPAIR	county road impact	highway access	heavy county road traffic	upgrade road surface
	traffic safety	good access	blind access	engineer safe access
	parking	min parking	large parking area	dust abatement/ buffering
VEHICAL SALES	Scale of operation			
	space requirements	small shop	regional distributor	size of parcel
	# of expected customers	occasional customers	freq customers	buffering
	Governmental Services			
	law enforcement	close to towns	remote	req. internal sprinkling sys.
	fire services	firefighting water available	insufficient water supply	





## **Chapter Five**

### **Junk, Trash and Visual Blight**

#### **Major Reasons for Addressing Junk, Trash, Visual Blight Issues**

There are four major reasons for addressing junk, trash and visual blight as a planning issue:

1. **Public Health.** Rubbish piles and illegal dumps can support vermin and release toxic substances into the soil, streams, groundwater and air.
2. **Safety.** Rubbish piles represent a fire hazard if they accidentally catch on fire or are intentionally burned. Burning of toxic substances also produces air pollution and undesirable odors which contribute to the health risk.
3. **Private Property Values.** The visual and health impacts of junk and trash can have a negative impact on the enjoyment, marketability and value of surrounding property.
4. **Community Image.** The image of Montezuma County and its towns is impacted by the visual impression created along major highway corridors and entrances to the towns. In some areas junk, trash and visual blight create an impression that is quite negative.

#### **Major Problems in Addressing Junk, Trash and Visual Blight**

While most people agree that the impacts of junk, trash and visual blight are undesirable, there are difficulties and complexities in regulating this problem:

1. **Where to draw the line.** The saying, "One man's trash is another man's treasure," expresses the dilemma of how to define the distinction between a violation of the public health safety and welfare as compared to a person's right to use their private property to meet personal goals.
2. **A policing action.** Most land use planning and regulation involves a process in which a landowner initiates a request for approval to subdivide or change use on a piece of land. Approval is conditioned on meeting specific development standards. Junk and trash ordinances involve government initiated enforcement, which must be backed up by penalties and legal action.

3. **Enforcement by complaint.** Since the enforcement of junk and trash ordinances is usually driven by complaints, there is a concern that “neighbor driven” enforcement will result in unequal treatment in different parts of the county.
4. **Legitimate businesses.** There are businesses such as salvage and recycling yards that, by their very nature, involve junk. Such businesses need to be located somewhere. There are also people who use their residential property as a storage and staging area for small business activity.
5. **Fear of overzealous enforcement.** Some landowners fear that overzealous enforcement of a junk and trash ordinance could be used to take action against the storage of spare equipment and parts. Examples include farm equipment and construction equipment yards and people who restore cars or machines for supplemental income and/or enjoyment.
6. **Private Property Rights.** Concerns 1-5 above, raise the issue of balancing the protection of private property values with the protection of private property rights.

## **Recommendations**

After weighing of the reasons for addressing junk, trash and visual blight against the problems of taking a regulatory approach to the issue, the Working Group recommends the following:

1. **Junk, trash and visual blight ordinance rejected.** A county-wide junk, trash and visual blight ordinance was rejected. A more limited junk, trash and visual blight ordinance applied to highway corridors and town entrances was also rejected. In addition to the above problems, the majority of the Working Group believes that a significant part of the problem will take care of itself as increasing property values create incentives to clean up and restore blighted properties.
2. **High impact commercial and industrial permitting as a tool to avoid future blight.** It is recommended that the high impact commercial and industrial permitting process be used as a tool to reduce the creation of additional visual blight in the future. The issues of “visual impact” and “pollution” have been incorporated into the “Proposed Criteria for Evaluating the Potential Level of Industrial and Commercial Impacts.” (See Chapter Four: Industrial and Commercial Development).
3. **Subdivision standards and covenants as a tool to avoid future blight.** It is recommended that land subdivision standards and covenants include criteria designed to limit the prospects of creating additional junk, trash and visual blight in future subdivisions.

4. **Encouragement of voluntary efforts to reduce junk, trash and visual blight.** It is recommended that volunteer efforts be encouraged to clean up junk, trash and visual blight including:
- A. Community clean-up days during which land fill fees would be reduced or waived.
  - B. Clean-up projects sponsored by civic organizations in cooperation with landowners.
  - C. Voluntary screening of junk, trash and visual blight
  - D. Awards and recognition for outstanding efforts to reduce junk, trash and visual blight.



## Chapter Six Agricultural Viability

### Overview

The one thing that was agreed to by most of the participants in the public meetings conducted in the course of developing this plan, is a desire to see agriculture thrive in Montezuma County. For some people, agriculture is a source of livelihood. For others, it is the aesthetics and/or the cultural values that are important about agriculture. While most people agree on the importance of protecting the agricultural base, there is disagreement about the appropriate means of achieving this goal.

This Chapter will begin by focusing on the economic realities of agriculture, followed by land use considerations in regard to agricultural viability and concluding with planning issues, goals and recommendations for sustaining agricultural viability in Montezuma County.

### The Economic Realities of Agriculture:

Agriculture is the economic and social foundation upon which Montezuma County has been built. This plan is predicated on the belief that agricultural lands are a renewable resource that will continue to make a major contribution to the local economy and way of life for years to come. In contrast to a pattern of decline in agricultural production in Southwest Colorado as a whole, agriculture is holding its own in Montezuma County as illustrated in Table 6-A below and Figure 6-A on page 6-2:

**Table 6-A  
Agricultural Production Values In Montezuma County: 1972-1993  
Presented in Current Dollars and Adjusted for Inflation to 1969 Dollars**

	1972	1977	1982	1987	1992	1993
<b>Actual Dollars</b>						
Value of Livestock	3,660,000	5,128,000	5,994,000	6,395,000	7,566,000	7,906,000
Value of Crops	2,708,000	2,090,000	5,287,000	5,282,000	10,952,000	11,246,000
Total	6,368,000	7,218,000	11,281,000	11,677,000	18,518,000	19,152,000
<b>Inflation Adjustment to 1969 Dollars</b>	1.139	1.652	2.630	3.079	3.822	3.938
Value of Livestock	3,213,345	3,104,116	2,279,087	2,076,973	1,979,592	2,007,618
Value of Crops	2,377,524	1,265,133	2,010,266	1,715,492	2,865,515	2,855,764
Total	5,590,869	4,369,249	4,289,354	3,792,465	4,845,107	4,863,382

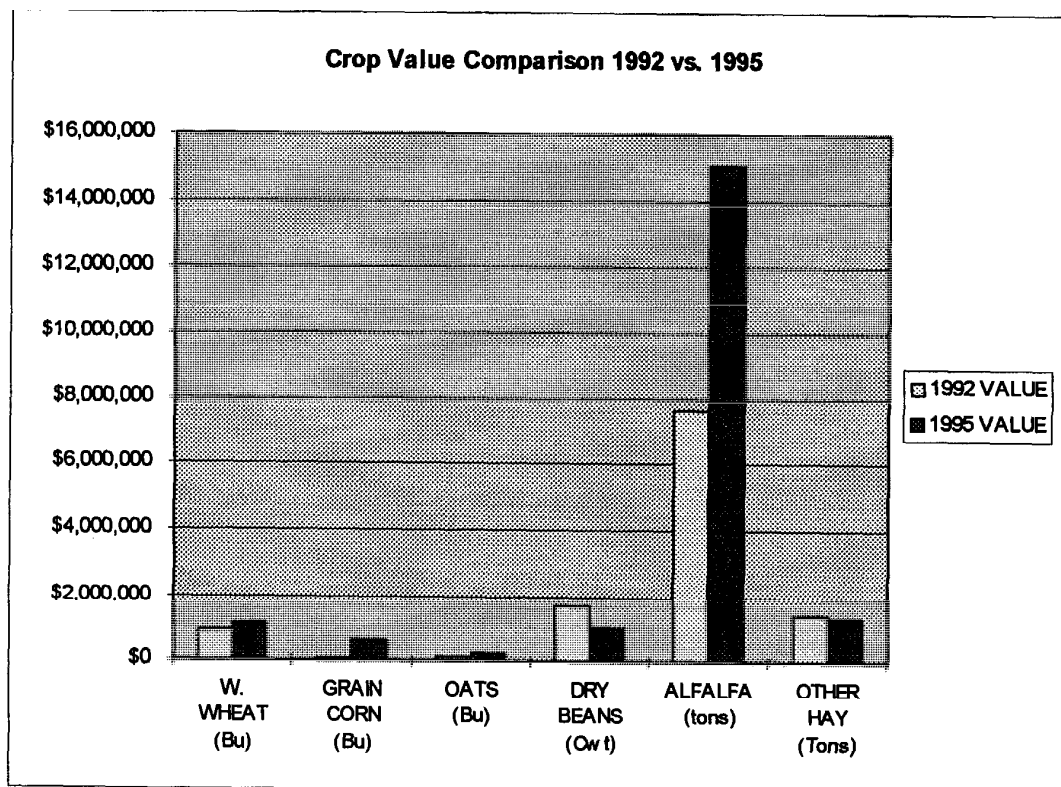
Source: Bureau of Economic Analysis Farm Data Report  
Inflation adjustment based on Consumer Price Index.

As Table 6-A and Figure 6-A on the next page illustrate, production values in 1993 are above 1977 levels and only 13% below 1972 levels. What decline has taken place in livestock production values has been made up for in increased crop production, which can be attributed to the 24,200 new "full service" acres being irrigated under the Dolores Project, and approximately 26,300 acres of Montezuma Valley Irrigation Company land that are receiving supplemental irrigation water. The full service component of the project will ultimately serve 27,906 acres of private land and 7,500 acres of Ute Mountain Ute Tribal land. Table 6-B and the accompanying Figure illustrate the substantial growth in alfalfa hay production and production values between 1992 and 1995.

**Table 6-B**  
**Montezuma County Crop Production, Price and Value:**  
**Comparing 1992 and 1995**

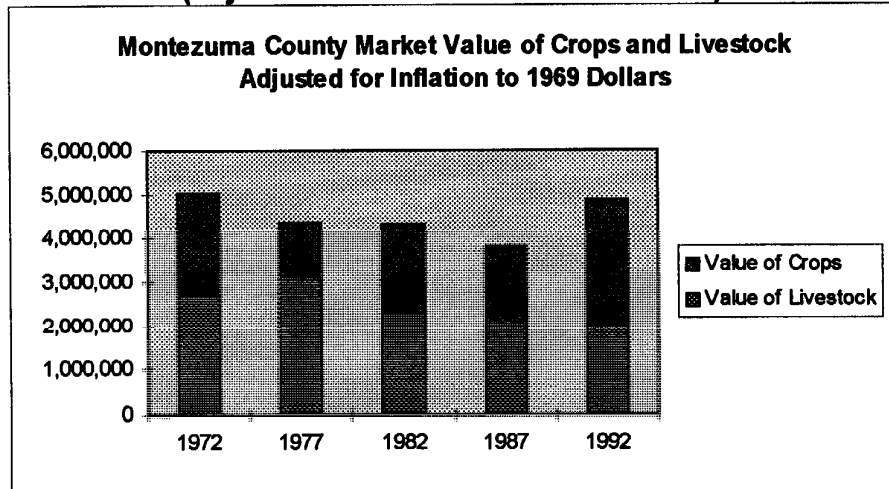
CROP	1992 PROD	PRICE	1992 VALUE	1995 PROD.	PRICE	1995 VALUE
W. WHEAT (Bu)	282,000	\$3.15	\$888,300	241,000	\$4.60	\$1,108,600
GRAIN CORN (Bu)	17,000	\$2.25	\$38,250	175,000	\$3.40	\$595,000
OATS (Bu)	60,000	\$1.70	\$102,000	119,000	\$1.95	\$232,050
DRY BEANS (Cwt)	84,400	\$19.60	\$1,654,240	62,000	\$16.30	\$1,010,600
ALFALFA (tons)	116,500	\$65.50	\$7,630,750	169,000	\$89.00	\$15,041,000
OTHER HAY (Tons)	21,700	\$63.00	\$1,367,100	14,800	\$85.50	\$1,265,400
<b>TOTAL CROP VALUE</b>			<b>\$11,680,640</b>			<b>\$19,252,650</b>

Source: Colorado Agricultural Statistics



Source: Table 6-B

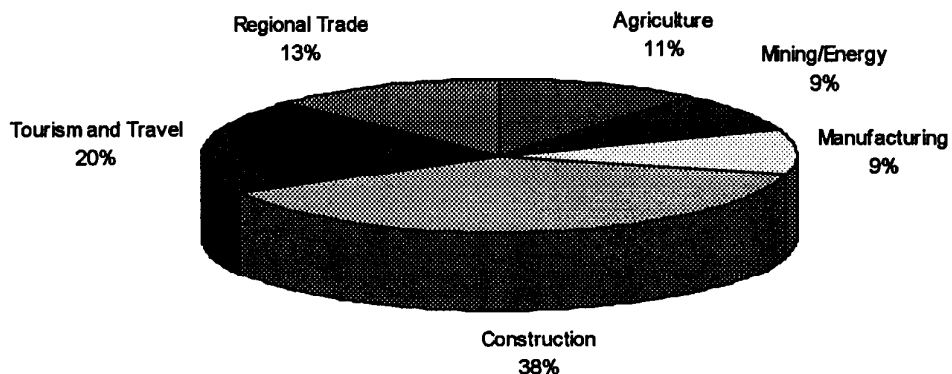
**Figure 6-A**  
**Agricultural Production Values In Montezuma County: 1972-1992**  
**(adjusted for inflation to 1969 dollars)**



**Source: Table 6-A**

The contribution of agriculture to wage and proprietor income is placed in the context of the exporting sectors in Montezuma County in Figure 6-B which is derived from an economic base analysis being conducted under the direction of the Colorado State Demographer:

**Figure 6-B**  
**Montzuma County Personal Income for 1994:**  
**Comparing Private Exporting Sectors**





It should be noted that the "regional trade" sector includes, in part, warehousing, trucking, farm supplies, and veterinary services that can be attributed to agriculture. Likewise the "manufacturing" sector includes, in part, food processing which is agriculturally based. Efforts are underway to detail and quantify the linkages between agriculture and these other sectors.

In considering the impact of agriculture on Montezuma County consideration should also be given to "agriculture dollars" that flow into Montezuma County from Dove Creek, Southeastern Utah and the Navajo Nation as people come in to purchase hay, farm supplies, trade livestock at the sale barn, and shop for other goods and services

Also of note is the fact that the "construction" sector includes housing construction which has taken up some of the slack in the local construction industry since construction of the CO2 project and the Dolores Project have wound down. Eighty percent of the new housing units between 1990 and 1995 have been in the rural part of the County, bearing some relationship to the desire of many people to live in an agricultural setting. Finally agriculture is part of the general scenic and cultural appeal that contributes to the "tourism and travel" sectors in Montezuma County.

Agriculture is a renewable resource that has "been there," and will continue to "be there" to balance out the ups and downs of the energy and tourism cycles. But it must also be realized that agriculture has its own cycles based on weather and market fluctuations. Keeping agricultural operations afloat during difficult periods is not simple and can not be taken for granted.

It must be recognized that the continued viability of agriculture hinges on a complex array of technical skills, long and intense periods of physical effort by entire families, and a high level of financial risk. The financial risks are compounded by the intensive capital investment in land, farm machinery and irrigation equipment required to remain competitive.

Circumstances in the summer of 1996, at the time when this plan is being formulated, clearly illustrate the challenges faced by local agricultural producers. Livestock producers are facing the triple impact of extreme loss of forage resulting from the among the worst drought conditions on record; hay and grain prices that are at record highs; and cattle prices that have hit record lows. Dryland farmers face a year with virtually no crop whatsoever, while irrigated farmers outside of the Dolores Water Conservancy District are running out of water for their crops.

To remain viable, farmers and ranchers must focus on the hard financial realities upon which the survival of their operations depend. Their primary flexibility in dealing with these realities is the ability to borrow against or sell land. Land also represents the only source of retirement income for most farmers and ranchers as they become unable to meet the intensive physical demands of agriculture.

The one thing that may put local farmers and ranchers in a better position to ride out the current down-cycle as compared to the mid-1980s is that land equity has been rising rather than falling. The down-side of rising land values, in terms of agricultural viability, is that expensive land makes it difficult to expand or start an agricultural operation. High land prices also increase the temptation to get out of agriculture and sell of agricultural tracts, which often results in additional rural subdivisions.

A final economic reality concerning agriculture is that, while production is generally holding its own, the number of “full time” farm families appears to be declining. An increasing number of ranches, in particular, are being supported by one or more jobs in town, or by money earned through other occupations in other places. As a result, agriculture is increasingly being practiced on smaller parcels and on a smaller scale. One of the challenges faced by those who practice agriculture as a lifestyle is to maintain the productivity and health of the land without the incentives associated with having to make a living off of the land.

#### **Land Use Considerations Regarding Agricultural Viability**

An important starting point for considering the land use issues, in the context of agricultural viability, is to look at how much of the agricultural land base is still intact given the amount of rural land subdivision that has occurred in Montezuma County.

Table 6-B on the following page presents the number of parcels and the total number of acres in each of five different parcel size classes. As Figure 6-C and 6-D illustrate, 91% of privately owned acres in Montezuma County are in parcels of 35 acres or greater, while 66% of all parcels are less than 35 acres. Finally, as Table 6-B indicates, 61% of single family housing units are on parcels of less than 10 acres, and 78% of all single family housing units are on parcels of less than 35 acres.

The Map on Page 6a depicts agricultural-residential parcel relationships in a spatial context, showing land that is classified as residential in the context of what remains a predominately agricultural land base.

**Table 6-C**  
**Montezuma County: Number of Parcels/Acres by Parcel Size Class in 1995**

Parcel Size Category	# of Parcels	% of Total Parcels	Acres	% of Total Acres	Average Parcel Size	Parcels with Houses	% of Total Houses
160+ Acres	664	11%	207,530	60%	313	203	6%
80-159 Acres	601	10%	65,281	19%	109	217	6%
35-79 Acres	808	13%	40,807	12%	51	345	10%
10-34 Acres	1,076	17%	19,996	6%	19	604	17%
1-9 Acres	3,075	49%	11,634	3%	4	2,145	61%
Total	6,224	100%	345,248	100%	55	3,514	100%

Source: Montezuma County Assessor's Office

**Figure 6-C**  
**Percentage of Acres by Parcel Size**

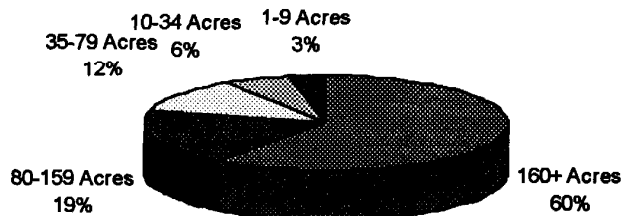


Table 6-B and figure 6-C illustrate that:

- 60% of ag/residential land is in parcels greater than 160 acres,
- 79% of acres are in parcels greater than 80 acres, and
- 91% of acres are in parcels of 35 acres or more.
- 9% of land is in parcels less than 35 acres.

**By Contrast,**

**Figure 6-D**  
**Percentage of Parcels by Size Class**

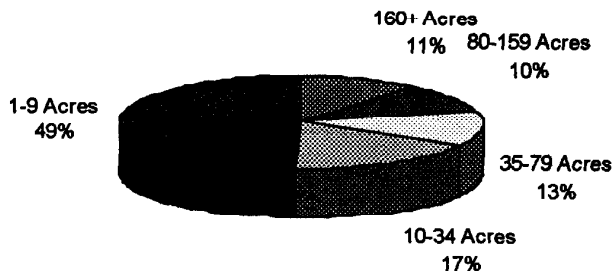
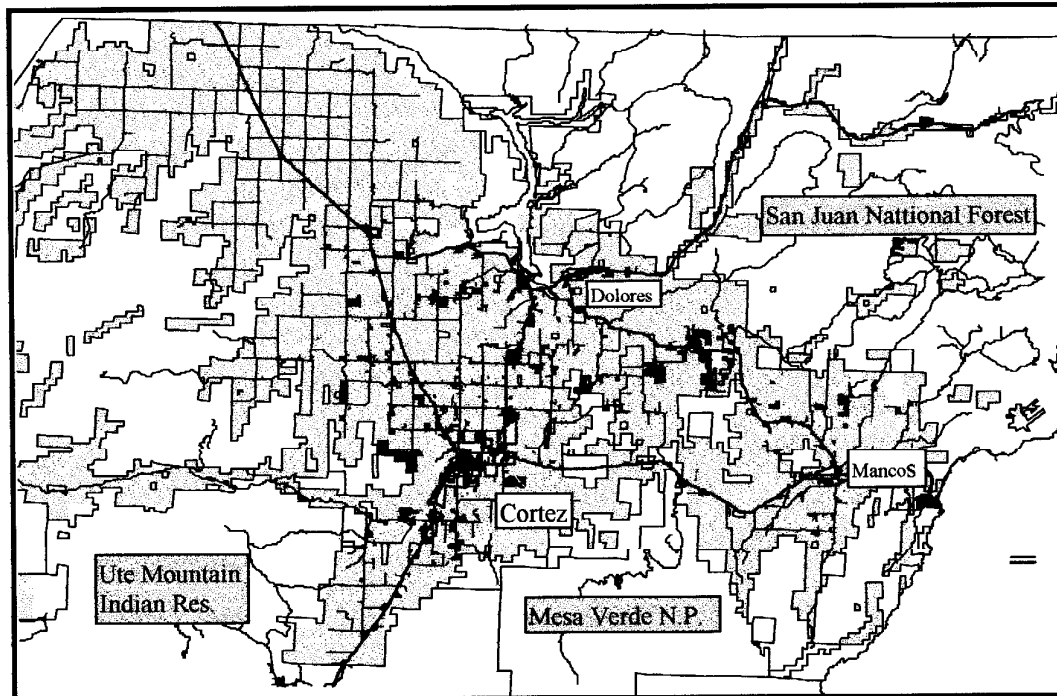


Table 6-B and Figure 6-D illustrate that:

- 11% of parcels are 160 acres or more,
- 21% of parcels are 80 acres or more,
- 34% of parcels are 35 acres or more.
- 66% of parcels are less than 35 acres, and
- 49% of parcels are less than 10 acres,

Figure 6 - E  
Land Classification  
Agriculture Vs. Residential



\* Land Classified According to Assessors Classification

- Residential
- Agriculture
- All other

The interdependency that has developed between agricultural viability and rural residential development has created a set of circumstances that call for fairness in reconciling the rights, needs and goals of agricultural and residential landowners. The issues that must be addressed in reconciling, and where possible, harmonizing these interests are outlined below:

### **Major Issues Related to Agricultural Viability**

1. Land is the major asset that farmers and ranchers have to meet immediate financial needs, retire, and distribute family equity to the next generation.
2. The majority of land going out of commercial agriculture is being divided and sold for residential use.
3. Owners of the resulting residential tracts have a strong appreciation for the open space and aesthetic appeal of remaining agricultural operations.
4. Remaining agricultural landowners are concerned that this appreciation for agricultural open space will result in regulation that will, involuntarily and permanently, lock them into agriculture, when financial realities and personal circumstances may require the sale of land and/or changes in land use.
5. Owners of smaller residential tracts are concerned that the conversion of agricultural land will result in incompatible uses, that will damage the value and enjoyment of their property.
6. Families continuing to farm are concerned about the proliferation of subdivisions creating potential conflicts with non-farming neighbors (ditch access, spraying, night farming, fencing, open gates, dogs, weed control etc.).
7. Densities in the areas where commercial agriculture is still practiced could reach a point where the agricultural land base is no longer viable and residential land values are diminished by the loss of agricultural open space.

### **Issues Related to Federal Impacts on Agricultural Viability**

8. Federal grazing allotments play a critical role in the ongoing agricultural viability of Montezuma County.
9. Federal policies and regulations also have an impact on agricultural viability. In particular: the Endangered Species Act, wetlands protection, and predator control.

## **Planning Goals and Guiding Principles for Agricultural Viability**

1. To establish a strong right-to-farm policy based on these guiding principles:
  - a) Every landowner is entitled to the protections of the right-to-farm provisions in effect in the State of Colorado (35-3.5-101,102,103).
  - b) The State Legislature has passed legislation enabling Counties to pass stronger right to farm laws. The most stringent protections will be applied to the A-160 LIZ zone.
2. To provide opportunities for landowners to use voluntary conservation easement incentives in combination with Landowner Initiated Zoning (LIZ) or as a stand alone incentive.
3. To create Landowner Initiated Zoning (LIZ) options that address the guiding principles that follow:
  - a) To create a LIZ option that most clearly defines and protects the right to farm and to develop feedlots, agricultural processing facilities and other natural resource production opportunities . This option is presented as the A-160 Zoning Matrix at the end of this Chapter.
  - b) To create LIZ options that combine the right to farm, and the flexibility to establish and sell home sites in a manner that minimizes the loss of productive agricultural land, while maximizing the value of property sold and property retained. These options are presented as the A/R-160 and A/R-40 Zoning Matrix at the end of this Chapter.
  - c) To utilize the A/R-160 and A/R40 LIZ options to allow small home site clustering and the phasing of residential development as a voluntary alternative to cutting up productive agricultural land into 35 acre tracts. The objective would be to combine high quality, high value home sites with continued farming on the most productive land.
  - d) To utilize LIZ options to create simple, low-risk home site development alternatives for agricultural landowners, in all parts of Montezuma County, while making sure of a plentiful supply of rural home sites and future development opportunities.
  - e) To use the LIZ options to create enough predictability so that residential lot purchasers are willing to compensate the agricultural landowner for the ongoing benefits of continued agricultural open space in the price of the homesite.

### **Planning Goals Related to Federal Impacts on Agricultural Viability**

4. To address the importance of the continuation of federal grazing permits at levels capable of sustaining the local livestock industry in order to meet the agricultural sustainability goals of the Comprehensive Plan.
5. To address the impact of other federal regulations, such as the Endangered Species Act, wetlands protection, and predator control on agricultural viability in Montezuma County.

## **Recommendations on Agricultural Viability:**

1. **Right to Farm Policy.** It is recommended that:
  - a) The provisions in the Colorado "Right to Farm" Law (35-3.5-101,102,103) be noted on all county plats and approvals in agricultural areas of the County, and be brought to the attention of current and prospective rural parcel owners via educational efforts and materials.
  - b) The Colorado State Legislature passed legislation enabling Counties to adopt local right to farm policies. The need for stronger local policies should be evaluated and recommended changes should be adopted by the County. The thrust of new policies should be protection from nuisance lawsuits related to burning, spraying, dust, noise, smells and other manifestations of normal farming practices. The work of Weld County, La Plata County, and other counties working on right to farm policies, should be reviewed for consideration.
  - c) "Design Guidelines for Development Affecting Agricultural Land," in the Montezuma County Subdivision Resolution (Section 1-202 on page 4) should be enforced in subdivisions created under this Resolution and extended to other land use changes as appropriate. These Guidelines should be evaluated for effectiveness and modified as necessary.
2. **Federal Grazing Permits and Regulations.** It is recommended that:
  - a) The Federal Lands component of the comprehensive plan should address the critical importance of Federal grazing permits on the continued viability of agriculture in Montezuma County. (See Chapter Twelve for more detail)
  - b) Federal regulatory and policy obstacles to agricultural viability such as the Endangered Species Act, wetlands protection, and predator control should be addressed with the active participation of Montezuma County. (See Chapter Thirteen for more detail)
3. **Conservation Easements.** It is recommended that:
  - a) Policies, plans and essential services (eg. land trusts, tax experts etc.) be coordinated so that landowners can make use of conservation easements, sale of development rights, and other incentives. (For more information on conservation easements see Chapter 8)
  - b) The use of these incentives by landowners would be strictly voluntary.

4. **Landowner Initiated Zoning (LIZ).** It is recommended that:
- a) LIZ A-160 A/R-160 and A/R-40 zones be implemented to provide a framework for establishing and protecting agricultural rights.
  - b) The A-160 A/R-160 and A/R-40 LIZ zones should also provide incentives for minimizing the impact of housing sites on productive agricultural land.
  - c) Home site “clustering” and dispersal options in the A-160, A/R-160 and A/R-40 LIZ zones should allow for simplified review, phased development, and the flexibility to adjust the size and configuration of home sites to fit the agricultural productivity of the land.
  - d) Provided that health and safety standards can be met, minimum lot size requirements would be waived in exchange for keeping agricultural land in production.
  - e) Agricultural land retained by clustering could continue to be farmed by the landowner or sold if protected by conservation easements and/or deed restrictions.

A-160, A/R-160 and A/R-40 Landowner Initiated Zoning Matrices conclude this Chapter to illustrate how Landowner Initiated Zoning would be implemented in support of agricultural viability goals. For more information on the Landowner Initiated Zoning philosophy and approach see Chapter Three.



## Agriculture A-160 Landowner Initiated Zoning Matrix

This zone is designed to provide maximum protection of large lot agricultural users including more intensive agribusiness activities such as feedlots and processing facilities.

DESIG-NATION	PARCE L SIZE	USES-BY-RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
A-160	160AC+	<p>1 RESIDENCE &amp; FARM WORKER HOUSING RIGHT TO FARM PROTECTIONS WOULD BE MAXIMIZED IN THIS ZONE LANDOWNER USE BY RIGHT TO CHANGE TO A/R-160 ZONE IF STANDARDS ARE MET TRUCK FARMS, AND GREEN HOUSES ARE USES BY RIGHT IF COMMERCIAL STANDARDS ARE MET PROCESSING OF LOCAL AG PRODUCTS IS A USE BY RIGHT IF STANDARDS ARE MET.</p> <hr/> <p>FEEDLOTS ARE ALLOWED BY RIGHT PROVIDED STANDARDS ARE MET.</p> <hr/> <p>EXTRACTION OF ON-SITE NATURAL RESOURCES PRODUCTION (GRAVEL, TIMBER ETC.) IS A USE BY RIGHT IF STANDARDS ARE MET.</p> <hr/>	<p>PUBLIC NOTIFICATION HEARING FOR FEEDLOTS</p> <hr/> <p>OIL, GAS COAL AND OTHER MINING</p> <hr/> <p>OTHER INDUSTRIAL USES</p> <hr/> <p>OTHER COMMERCIAL USES</p>	<p>STANDARDS TO MITIGATE THE IMPACTS OF DUST, NOISE, ODORS, WATER/AIR POLLUTION, AND FREQUENT HEAVY TRUCK HAULING.</p> <hr/> <p>FEEDLOT STANDARDS:</p> <ul style="list-style-type: none"> <li>• SETBACKS FROM PROPERTY LINES TO MINIMIZE IMPACT ON ADJACENT PROPERTY OWNERS.</li> <li>• STANDARDS TO GUIDE THE NUMBER OF HEAD RELATIVE SIZE OF CONTAINMENT AREA PARCEL AND TIME IN FEEDLOT (SEASONAL VS YEAR ROUND) "FEEDLOT" MUST BE CAREFULLY DEFINED.</li> </ul> <hr/> <p>NATURAL RESOURCE PRODUCTION STANDARDS SAME AS AG PRODUCTS WITH THE ADDITION OF RECLAMATION STANDARDS. VISUAL BUFFERING AND APPLICABLE STATE/FEDERAL LAWS.</p> <hr/> <p>STANDARDS SAME AS NATURAL RESOURCE PRODUCTION WITH ADDITIONAL STANDARDS FOR MAJOR POWERLINES, PIPELINES AND OTHER HIGH INTENSITY INDUSTRIAL USES.</p> <hr/> <p>COMMERCIAL STANDARDS: ROAD ACCESS, TRAFFIC CIRCULATION, PARKING, LIGHTING, AND RESIDENTIAL BUFFERS.</p>

## Ag/Residential A/R-160 Landowner Initiated Zoning Matrix

This zone combines the protections of A160 for conventional agriculture and the flexibility to develop clustered or dispersed home sites without having to sacrifice productive ag land to meet minimum lot size standards. Higher intensity uses are conditional given the prospect of home site development around farmed areas. Landowners in this zone may be eligible for conservation easement incentives.

DESIGNATION	PARCEL SIZE	USES-BY-RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
A/R 160	160AC+	<p>1 RESIDENCE &amp; FARM WORKER HOUSING</p> <p>A/R-160 CLUSTER OR DISPERSED HOUSING DEVELOPMENT RIGHTS:</p> <ul style="list-style-type: none"> <li>• THE RIGHT TO DEVELOP TWO HOME SITES PER 40 ACRES,</li> <li>• THE RIGHT TO CLUSTER HOME SITES OF ANY CONFIGURATION OR SIZE THAT WILL SUPPORT SEPTIC.</li> <li>• THE RIGHT TO PHASE DEVELOPMENT OF HOME SITES AND SUPPORTING UTILITIES ON AN AS NEEDED BASIS.</li> </ul> <p>FARMING &amp; RANCHING IS A USE BY RIGHT PROTECTED BY RIGHT TO FARM POLICIES.</p>	<p>CLUSTER DEVELOPMENT DENSITY BONUS:</p> <ul style="list-style-type: none"> <li>• UP TO FOUR ADDITIONAL HOME SITES PER 160 ACRES IF STANDARDS ARE MET.</li> <li>• BONUS SITES MAY BE CLUSTERED WITH THE OTHER HOME SITES LEAVING REMAINING LANDS IN AGRICULTURAL USE.</li> </ul> <p>OR</p> <p>BONUS SITES CAN BE ATTACHED TO REMAINING 40 ACRE PARCELS TO ALLOW FOR THE FINAL DIVISION OF AGRICULTURAL LANDS.</p> <p>FEEDLOTS WILL REQUIRE A HEARING TO EVALUATE COMPLIANCE WITH STANDARDS.</p> <p>AG PROCESSING FACILITIES WILL REQUIRE A HEARING TO EVALUATE COMPLIANCE WITH STANDARDS.</p> <p>ON-SITE NATURAL RESOURCES PRODUCTION (GRAVEL, TIMBER ETC.) AND OTHER INDUSTRIAL USES WILL REQUIRE A HEARING</p> <p>COMMERCIAL / INDUSTRIAL USES</p>	<p>A-160 CLUSTER HOUSING DEVELOPMENT STANDARDS:</p> <ul style="list-style-type: none"> <li>• AVOID OR MINIMIZE THE LOSS OF PRODUCTIVE AGRICULTURAL LAND</li> <li>• PROVIDE A ROAD PLAN FOR EACH CLUSTER WITH ADEQUATE EMERGENCY SERVICE ACCESS.</li> <li>• MINIMIZE COUNTY ROAD ACCESS POINTS FOR CLUSTER HOME SITES.</li> <li>• PROVIDE A PLAN FOR ADEQUATE SEPTIC CAPABILITY TO SERVE CLUSTERED HOME SITES.</li> </ul> <p>FEEDLOT STANDARDS:</p> <ul style="list-style-type: none"> <li>• SETBACKS FROM PROPERTY LINES TO MINIMIZE IMPACT ON ADJACENT PROPERTY OWNERS.</li> <li>• SETBACK FROM IN-PARCEL AREAS INTENDED FOR EVENTUAL CLUSTER DEVELOPMENT</li> <li>• STANDARDS TO GUIDE THE NUMBER OF HEAD RELATIVE SIZE OF CONTAINMENT AREA AND PARCEL</li> </ul> <p>STANDARDS TO MITIGATE THE IMPACTS OF DUST, NOISE, ODORS, WATER/AIR POLLUTION, AND FREQUENT HEAVY HAULING.</p> <p>NATURAL RESOURCE AND INDUSTRIAL PRODUCTION STANDARDS SAME AS AG PRODUCTS WITH THE ADDITION OF RECLAMATION STANDARDS, VISUAL BUFFERING AND APPLICABLE STATE/FEDERAL LAWS.</p> <p>COMMERCIAL / INDUSTRIAL STANDARDS: ROAD ACCESS, TRAFFIC CIRCULATION, PARKING, LIGHTING, RESIDENTIAL BUFFERS, UTILITY CONCERNS, COMPLIANCE WITH APPLICABLE LAWS.</p>

WHAT ABOUT GROUPING CLUSTER RIGHTS ON NON-CONTIGUOUS PARCELS? NEED TO DEFINE "CLUSTER".

FARMING" AND "RANCHING" WILL NEED TO BE DEFINED TO BE DISTINGUISHED FROM HIGHER INTENSITY USES (EG. FEEDLOTS)

## Ag/Residential A/R-40 Landowner Initiated Zoning Matrix

This zone is intended for the smaller agricultural user to continue ag operations while having some flexibility to develop clustered or dispersed lots or home sites.

DESIGNATION	PARCEL SIZE	USES-BY-RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
A/R-40	35-40 ACRES	ONE SINGLE FAMILY RESIDENCE		
		FARMING AND RANCHING IS A USE BY RIGHT, PROTECTED BY STATE/COUNTY RIGHT-TO-FARM POLICIES.		
		<p>A/R-40 CLUSTER OR DISPERSED HOUSING DEVELOPMENT RIGHTS:</p> <ul style="list-style-type: none"> <li>• THE RIGHT TO DEVELOP TWO HOME SITES PER 40 ACRES,</li> <li>• THE RIGHT CLUSTER THE HOUSE SITE DEVELOPMENT RIGHTS FROM MULTIPLE 40 ACRE PARCELS ON A SINGLE PARCEL.</li> <li>• THE RIGHT TO CLUSTER HOME SITES OF ANY CONFIGURATION OR SIZE THAT WILL SUPPORT SEPTIC.</li> <li>• THE RIGHT TO PHASE DEVELOPMENT OF HOME SITES AND SUPPORTING UTILITIES ON AN AS NEEDED BASIS.</li> </ul>		<p>A/R-40 CLUSTER HOUSING DEVELOPMENT STANDARDS:</p> <ul style="list-style-type: none"> <li>• AVOID OR MINIMIZE THE LOSS OF PRODUCTIVE AGRICULTURAL LAND</li> <li>• PROVIDE A ROAD PLAN FOR EACH CLUSTER WITH ADEQUATE EMERGENCY SERVICE ACCESS.</li> <li>• MINIMIZE COUNTY ROAD ACCESS POINT FOR EACH CLUSTER.</li> <li>• PROVIDE A PLAN FOR ADEQUATE SEPTIC CAPABILITY TO SERVE CLUSTERED HOME SITES.</li> </ul>
		TRUCK FARMS ARE A USE BY RIGHT IF COMMERCIAL STANDARDS ARE MET	COMMERCIAL GREEN HOUSE	COMMERCIAL STANDARDS: VISUAL, POLLUTION, TRAFFIC SAFETY, ROAD IMPACTS, PUBLIC FISCAL IMPACTS.
			OTHER COMMERCIAL & INDUSTRIAL USES	STANDARDS TO MITIGATE THE IMPACTS OF DUST, NOISE, ODORS, WATER/AIR POLLUTION, TRAFFIC, FREQUENT HEAVY HAULING, AND PUBLIC FISCAL IMPACTS. STANDARDS MAY ALSO REQUIRE RECLAMATION AND VISUAL BUFFERING.
			OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT	STANDARDS OUTLINED IN OPEN SPACE ZONE MENU

\*FARMING\* AND \*RANCHING\* WILL NEED TO BE DEFINED TO BE DISTINGUISHED FROM HIGHER INTENSITY USES (EG. FEEDLOTS)

## **Chapter Seven**

### **Residential Development**

#### **Overview**

The concerns that led to the passage of the Comprehensive Plan ballot initiative in November of 1994 are related, in large degree to the growth in land subdivision, lot sales and housing starts. This "boom" began to pick up steam in 1992, hit peak levels in 1994 and 1995, and has cooled, slightly, as the plan reaches completion in 1996 (see Table 7-A and Figure 7-A).

As discussed in Chapter Three, rural residential development is taking place in a context of mixed agricultural and residential use. Chapter Six looked at residential growth issues from the perspective of agricultural viability. This Chapter looks at rural growth from the residential perspective.

This Chapter will begin by reviewing rural residential growth trends from 1990 to 1995, and projections for the future. Existing regulatory tools that have shaped growth patterns will be reviewed. The Chapter will conclude with planning issues, goals and policy recommendations in four key areas:

- The residential component of Landowner Initiated Zoning,
- Related changes in County Subdivision Regulations,
- A building code/building permit system, and
- Affordable Housing

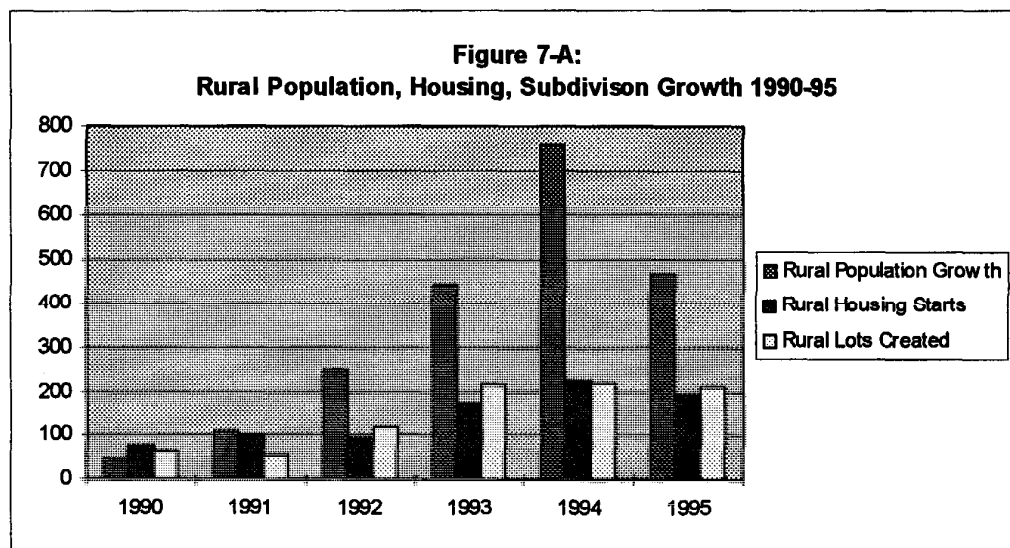
#### **1990-2000 Growth Trends and Projections:**

**Table 7-A**  
**Rural Montezuma County Population, Housing**  
**and Subdivision Growth 1990-1995**

Year	Rural Population	Rural Population Growth	Rural Housing Starts	Rural Lots Created
1990	9,636	44	74	64
1991	9,789	109	95	55
1992	10,038	249	93	117
1993	10,478	440	175	218
1994	11,238	760	225	222
1995	11,705	467	191	213
Total 1990-95		2,069	853	889

Sources: Rural Population-Colorado State Demographer,  
Rural Housing Starts-Montezuma County Issue of New Septic Tank Permits  
Lots Created - Montezuma County Planning Office

Table 7-A and Figure 7-A show population growth peaking in 1994, while the growth in lots created and housing starts continued in 1995 at near peak levels.



Source: Table 7-A

In Table 7-C, the estimated number of subdivision lots is lower than total housing units because a large number of houses are on parcels have never been subdivided or didn't go through the formal subdivision procedures put in place in 1972. From 1990 forward, all known lots created for residential development, by subdivision or variance, are counted as "Rural Subdivision Lots Created."

The years from 1990 to 1995 represent a mix of slow and rapid growth. As Table 7-B indicates, 853 rural houses were constructed to house rural population growth of 2,069 people. This is 2.6 persons per household, which is consistent with recent Montezuma County average household size. Forward projection of housing starts is based on the State Demographer population projections divided by 2.6 persons per new household. As Table 7-B indicates, lot creation (889 lots) tracked reasonably close with housing starts (853).

**Table 7-B**  
**Projected Rural Growth in Montezuma County between 1996 and 2000**

	Estimate as of 1990	Estimated Growth 1990-95	Estimate as of 1995	Projected Growth 1996-2000	Projected as of 2000
Rural Population	9,636	2,069	11,705	2,845	14,550
Rural Housing Units	3,672	853	4,525	1,094	5,619
Rural Subdivision Lots Created	1,607	889	2,496	1,081	3,577
Rural Lots with No House	927	36	963	-13	950

Projections are Extrapolated from the following sources:

Rural Population-Colorado State Demographer,  
Rural Housing Starts-Montezuma County Issue of New Septic Tank Permits  
Lots Created - Montezuma County Planning Office

Table 7-C indicates undeveloped subdivision lots growing slightly from 927 to 963. There are enough undeveloped "Rural lots with no house," to nearly meet the projected demands for new rural housing over the next five years. The projections as of 2000 show 950 undeveloped lots remaining in inventory. This inventory figure will be held constant for ease of projecting the need for additional residential lots.

While 950 lots is a large inventory, it is assumed that lot creation will continue to expand with housing starts, given the reality that lot sales hinge on a combination of the quality and price of lots within each subdivision. While older subdivision lots are likely to have a price advantage, newer and future subdivisions can be competitive, based on quality. The Landowner Initiated Ag/Residential zones, presented later in this Chapter, are intended to protect the qualities that buyers of rural lots are seeking. Before looking at new policies, it is worthwhile to look at the policies that have shaped land subdivisions up to the present time.

### **Historic and Existing Framework for Regulating Rural Residential Development**

Prior to the development of this plan, residential development in Montezuma County has been shaped by ten key factors:

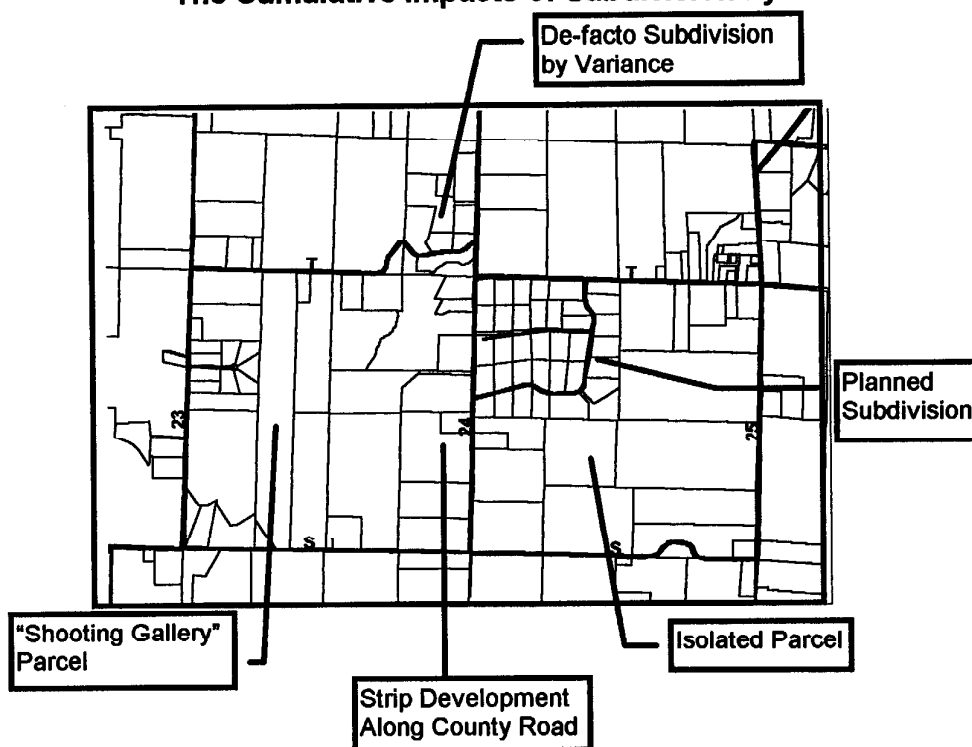
1. **Subdivision Regulations** were adopted by the County in November of 1972, as mandated by the Colorado State Legislature. The Subdivision Regulations were revised in July of 1983 and June 1994. These regulations set standards for streets, utilities and right-of-ways, and require up-front development of infrastructure and protective covenants.
2. **Sewage Regulations** were adopted in November of 1973 as mandated by the Colorado State Legislature and revised in February of 1986. These regulations set standards for both Individual Sewage Disposal Systems (ISDS) and centralized systems.
3. **Three Acre Minimum Lot Size.** The three acre minimum lot size was a standard recommended to accommodate Individual Sewage Disposal (Septic) Systems and has established the three acre pattern for residential development with the exception of mobile home parks.
4. **Mobile Home Park Regulations** were adopted and revised in conjunction with the Subdivision Regulations. Mobile home park regulations allow lots as small as 3,500 square feet, which may be served by privately owned and maintained centralized sewer systems. Mobile home parks allow for potential densities of 6,000 units per square mile as compared to potential densities of 200 units per square mile in three acre lot subdivisions.
5. **Pipeline, Power Line, and Major Microwave Installations Resolution.** Adopted in July of 1978, this resolution provided the framework for negotiating standards and alignments for several major pipelines, power lines and cellular towers. This resolution needs to be updated and strengthened as it currently relies largely on good will, and doesn't have many "teeth."

6. **Rural Water Systems.** The groundwater is too saline to drink in most parts of Montezuma County, forcing rural residents to rely on cisterns . In response to this problem, rural water companies were established, beginning in 1964, and have grown to serve most of the County. Rural water service has supported the proliferation of 3+ acre lot subdivisions throughout most of the County.
7. **No Building Code.** With the exception of electrical inspections, building codes were not mandated by the Colorado Legislature and have never been adopted in rural Montezuma County. As a result housing has been constructed and sold on a "buyer beware" basis.
8. **Subdivision Roads Not Accepted by County for Maintenance.** In the late 1970s the Commissioners determined that the County was no longer financially in a position to accept and maintain internal subdivision roads. As a result, internal maintenance has been organized and financed by homeowner's associations.
9. **No Regulations to Deal with Multi-Family, Condominium or Mixed Use Development.** To date these types of development have not been seriously proposed, but should be anticipated. PUD (Planned Unit Development) regulations would be the tool to address these types of development.
10. **"Variances" or Exemptions** to mandated Subdivision Regulations were allowed by the Colorado Legislature to alleviate undue hardship on landowners. Variances have been frequently used to allow one or two parcels to be split off of a larger tract, while avoiding more extensive subdivision review requirements up-front infrastructure development. The unintended result of this policy was the creation of de-facto subdivisions in a piecemeal fashion without a cohesive internal road and infrastructure system or protective covenants. The use of variances combined with the policy of not accepting subdivision roads for maintenance has also resulted in a pattern of residential "strip development" lining county roads.

Figure 7-B, on the following page, illustrates some of the problems created by the cumulative impact of variances as compared to a planned subdivision:

- The **"De-facto Subdivision"** lacks a cohesive internal lot and utility layout as well as lacking covenants for protection of lot owners from incompatible uses.
- The **Strip Development Along County Road** avoids the need for a common road and utility system by tapping in, lot-by-lot to infrastructure along the County Road. The problem is that, particularly with smaller lots, the County Road becomes a series of closely spaced driveways, creating safety problems and making access to land inside of section difficult.
- The **Isolated Parcel** illustrates the problem of parcels that get shut off from County Road access.
- The **"Shooting Gallery" Parcel** is an example of a parcel that because of its long narrow shape, is limited in its immediate usefulness and future development potential.
- The **Planned Subdivision** provides for a more orderly and efficient use of land, while accessing 25 of the lots with three access points to the County Road.

**Figure 7-B  
The Cumulative Impacts of Subdivision by Variance**



A major goal of the revision of the Subdivision Regulations in June of 1994 was to reduce the need for variances, by allowing for differing intensities of subdivision review. The level of review depends on whether a subdivision is classified as minor, moderate or major impact based on size, and impact on public facilities and services. Table 7-C and Figure 7-C show the trend away from variances which began in 1993, was formalized in June of 1994, and was in full effect during 1995.

**Table 7-C  
Lots Created by Subdivision and Variance Compared 1990-95**

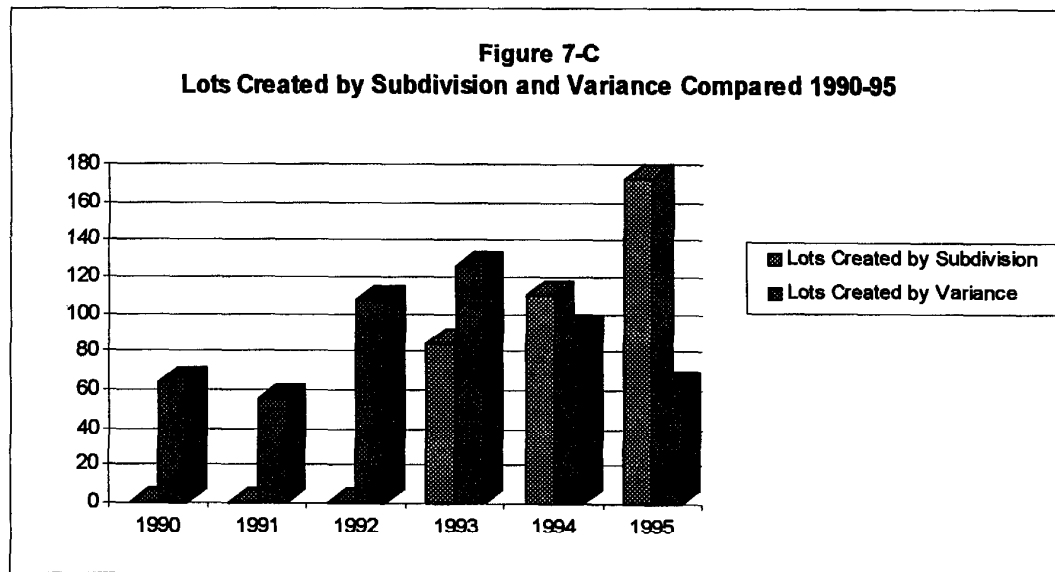
<b>Year</b>	<b>Lots Created by Subdivision</b>	<b>Lots Created by Variance/Exemption</b>
1990	0	64
1991	0	55
1992	0	107
1993	84	126
1994	110	92
1995	172	62*
<b>Total</b>	<b>366</b>	<b>506</b>

Source: Montezuma County Planning Department

\* Includes 24 "After-the-Fact" Variances to correct non-complying parcels.



These trends are illustrated in Figure 7-C:



Source: Table 7-C

The movement away from variances was one of several changes brought about by the Amendment of the Subdivision Regulations in 1994. These changes are summarized below:

### **Changes Resulting from the 1994 Subdivision Amendment**

1. **Level of review commensurate with impact.** Subdivisions are classified at Minor, Moderate or Major depending on the number of lots and the impact on public infrastructure and services. This has led to a reduction in the need to grant variances as illustrated in Table 7-C.
2. **Public hearing on the front end of the process.** Moving the public hearing to the front end of the process has provided the opportunity for subdivision planning to respond to public comment, before a lot of time and money have been invested in subdivision design and development.
3. **General design guidelines were added** to deal with recurring problems. Setbacks of 120 feet are required to reduce conflicts between residences and county road traffic, noise and dust. A weed control plan was required. A standard was added to address the impact on neighboring residences, with regard to views and yard lighting.
4. **Design guidelines to protect agricultural operations** were added to formalize irrigation ditch and headgate right-of-ways and maintenance rights; to require the maintenance or replacement of boundary and stock drive fences; and to require covenants for control of pets and nuisances such as weeds and prairie dogs.

5. **Design guidelines for screening of large mobile home parks and unsightly development along highway corridors** were added.
6. **Design guidelines for commercial development** were added to address traffic circulation, parking and visual buffers between commercial and residential development.
7. **Impact of subdivisions on county roads.** A requirement was added requiring that: Where traffic levels, resulting from a proposed subdivision, will exceed the capacity of county roads used to access the subdivision; the developer is required to work with the County in bringing impacted roads up to standard. This policy has been refined in the form of a Road Impact Fee policy which is discussed in Chapter Eleven.

## **Landowner Initiated Zoning and Residential Development**

Chapter Three overviews the philosophy and approach of Landowner Initiated Zoning (LIZ). Chapter Six focuses on the A/R 160 and A/R 40 LIZ zones, which are intended to provide incentives that combine homesite development, with the preservation of agricultural land. This Chapter will focus on LIZ zones that pertain to the development of Ag/Residential (A/R) parcels of 35 acres or less. The A/R designation recognizes that many rural property owners are using small scale agricultural activity to maintain a desirable residential setting, rather than as a primary means of making a living.

A primary concern about the small lot Landowner Initiated Zones is the potential for zoning decisions to create densities that can't be adequately supported with public facilities and services. There is also concern that such densities will undermine the rural character that County residents value. For more detail on the density issue see Chapter Nine.

A conceptual summary of A/R and R (Residential) LIZ zones is presented below followed by the "Landowner Initiated Zoning Matrix" for each of the A/R zones:

### **Proposed Menu of Landowner Initiated Ag/Residential (A/R) and Residential (R) Zones for Parcels of Less Than 35 Acres With Conceptual Definitions**

- A/R10** This zone allows for the low intensity agricultural uses while protecting surrounding uses from higher impact commercial, industrial and agricultural uses (eg.. feedlots, ag processing).
- A/R5** This zone is similar to A/R10 with added restrictions on the scale of agricultural uses allowed on the smaller agricultural lots.
- R3** This zone is intended to be a purely residential zone where the emphasis is on the enjoyment of the land in a residential setting.
- R10 & R35** These two zones are intended for the larger residential lot owner and developer whose priority is the enjoyment of a larger parcel of land for purely residential and recreational uses.
- UNZONED** Landowners who remain in the unzoned category can continue with present uses without interruption. Unzoned landowners who wish to change use to a high impact commercial or industrial use would go through a commercial or industrial permit hearing. Unzoned landowners who wish to subdivide land will be required (as they are currently) to comply with subdivision regulations. Unzoned landowners would also be encouraged to apply for LIZ zoning that is compatible with the type of subdivision being proposed.



## Ag/Residential A/R-10 Landowner Initiated Zoning Matrix

This zone allows for the small agricultural uses while protecting surrounding uses from possible impacts from heavier commercial industrial and agricultural uses (i.e. feedlots, ag products processing, etc.).

OFFICIAL NATION	MINIMUM PARCEL SIZE	USES BY RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
A/R-10	10 ACRES	ONE SINGLE FAMILY RESIDENCE		COMPLIANCE WITH SUBDIVISION REGULATIONS
		CROPS, ORCHARDS, AND GRAZING STORAGE OF CROPS		
		BED AND BREAKFAST (WITH STANDARDS)		ROAD IMPACT, SAFETY, ACCESS, AND PARKING,
		SALE OF ON-FARM PRODUCE		
			ANIMAL BOARDING PRIVATE STABLES	# OF ANIMALS CONTAINED, SETBACKS, NOISE MANAGEMENT, LICENSING STANDARDS ROAD IMPACT, SAFETY, ACCESS, PARKING AND PLACEMENT OF COMMERCIAL STRUCTURES
			HOME DAY CARE (CHILDREN), ELDERLY BOARD AND CARE	ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM COMPLIANCE WITH STATE LICENSING STANDARDS.
			COMMERCIAL GREENHOUSE	ROAD IMPACT, SAFETY, ACCESS, AND PARKING PLACEMENT OF COMMERCIAL STRUCTURES RESIDENTIAL BUFFERING AND/OR SCREENING LIGHTING IMPACTS
			NEIGHBORHOOD STORE	ROAD IMPACT, SAFETY, ACCESS, AND PARKING. PLACEMENT OF COMMERCIAL STRUCTURES. RESIDENTIAL BUFFERING AND/OR SCREENING LIGHTING IMPACTS
			HOME BASED BUSINESSES (LOW IMPACT)	VISUAL IMPACT MAY REQUIRE BUFFERING AND/OR SCREENING ROAD IMPACT SAFETY, ACCESS, AND PARKING PLACEMENT OF COMMERCIAL STRUCTURES LIGHTING IMPACTS
				LOW IMPACT HOME BASED INDUSTRIAL USES ALSO MUST MEET STANDARDS FOR DUST, NOISE, ODORS, WATER/AIR POLLUTION, AND FREQUENT HEAVY HAULING.
			OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT	STANDARDS OUTLINED IN OPEN SPACE ZONE MENU

## Ag/Residential A/R-5 Landowner Initiated Zoning Matrix

This zone is similar to the A/R - 10 with added restrictions on the scale of agricultural uses allowed on the smaller agricultural lots.

DESIGNATION	MINIMUM PARCEL SIZE	USES-BY-RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
A/R 5	5 ACRES	<p>ONE SINGLE FAMILY RESIDENCE</p> <hr/> <p>CROPS, ORCHARDS, GRAZING STORAGE OF CROPS SALE OF ON-FARM PRODUCE</p> <hr/>	<hr/> <p>COMMERCIAL GREENHOUSE</p> <hr/> <p>ANIMAL BOARDING</p> <hr/> <p>BED AND BREAKFAST</p> <hr/> <p>HOME DAY CARE (CHILDREN), ELDERLY BOARD AND CARE</p> <hr/> <p>NEIGHBORHOOD STORE</p> <hr/> <p>HOME BASED BUSINESSES</p> <hr/> <p>OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT</p>	<p>COMPLIANCE WITH SUBDIVISION REGULATIONS</p> <hr/> <p>ROAD IMPACT, SAFETY, ACCESS, AND PARKING PLACEMENT OF COMMERCIAL STRUCTURES RESIDENTIAL BUFFERING AND/OR SCREENING LIGHTING (IMPACTS ON ADJACENT PROPERTY)</p> <hr/> <p>ROAD IMPACT, SAFETY, ACCESS, AND PARKING ANIMAL CONTAINMENT, SETBACKS, NOISE MANAGEMENT, LICENSING STANDARDS</p> <hr/> <p>ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM</p> <hr/> <p>ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM COMPLIANCE WITH STATE LICENSING STANDARDS.</p> <hr/> <p>ROAD IMPACT, SAFETY, ACCESS, AND PARKING PLACEMENT OF COMMERCIAL STRUCTURES</p> <hr/> <p>VISUAL IMPACT MAY REQUIRE BUFFERING AND/OR SCREENING ROAD IMPACT SAFETY, ACCESS, AND PARKING PLACEMENT OF COMMERCIAL STRUCTURES LIGHTING (IMPACTS ON ADJACENT PROPERTY)</p> <hr/> <p>HOME BASED INDUSTRIAL USES ALSO MUST MEET STANDARDS FOR DUST, NOISE, ODORS, WATER/AIR POLLUTION, AND FREQUENT HEAVY HAULING.</p> <hr/> <p>STANDARDS OUTLINED IN OPEN SPACE ZONE MENU</p>

## Residential R-35 Landowner Initiated Zoning Matrix

This zone is intended for the larger residential lot owner whose priority is the enjoyment of a larger parcel of land for purely residential and recreational uses.

DESIGNATION	MINIMUM PARCEL SIZE	USES BY RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
R-35	35 ACRES	ONE SINGLE FAMILY RESIDENCE WITH ACCESSORY USES		COMPLIANCE WITH SUBDIVISION REGULATIONS
		FAMILY GARDEN AND ORCHARD		NO FURTHER LAND SPLITS ALLOWED
		LIVESTOCK FOR FAMILY CONSUMPTION, 4-H PROJECTS, AND RECREATION		
		BED AND BREAKFAST (WITH STANDARDS)		ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM
			HOME DAY CARE (CHILDREN) ELDERLY BOARD AND CARE	ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM COMPLIANCE WITH STATE LICENSING STANDARDS.
			HOME BASED BUSINESSES ( LOW IMPACT)	LIMITED TRAFFIC LIMITED HOURS OF OPERATION MINIMAL VISUAL IMPACT
				LOW IMPACT HOME BASED INDUSTRIAL USES ALSO MUST MEET STANDARDS FOR DUST, NOISE, ODORS, WATER/AIR POLLUTION, AND FREQUENT HEAVY HAULING.
			OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT	STANDARDS OUTLINED IN OPEN SPACE ZONE MENU

## Residential R-10 Landowner Initiated Zoning MATRIX

This zone is intended for the larger residential lot owner whose priority is the enjoyment of a larger parcel of land for purely residential and recreational uses.

DESIG- NATION	MINIMUM PARCEL SIZE	USES BY RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
R-10	10 ACRES	<p>ONE SINGLE FAMILY RESIDENCE WITH ACCESSORY USES</p> <p>FAMILY GARDEN AND ORCHARD</p> <p>LIVESTOCK FOR FAMILY CONSUMPTION, 4-H PROJECTS, AND RECREATION</p> <hr/> <p>BED AND BREAKFAST (w/STANDARDS)</p> <hr/>	<hr/> <p>HOME DAY CARE (CHILDREN) ELDERLY BOARD AND CARE</p> <hr/> <p>HOME BASED BUSINESSES (LOW IMPACT)</p> <hr/> <p>OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT</p>	<p>COMPLIANCE WITH SUBDIVISION REGULATIONS</p> <p>NO FURTHER LAND SPLITS ALLOWED</p> <hr/> <p>ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM</p> <hr/> <p>ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM COMPLIANCE WITH STATE LICENSING STANDARDS.</p> <hr/> <p>LIMITED TRAFFIC LIMITED HOURS OF OPERATION MINIMAL VISUAL IMPACT</p> <p>LOW IMPACT HOME BASED INDUSTRIAL USES ALSO MUST MEET STANDARDS FOR DUST, NOISE, ODORS, WATER/AIR POLLUTION, AND FREQUENT HEAVY HAULING.</p> <hr/> <p>STANDARDS OUTLINED IN OPEN SPACE ZONE MENU</p>



## Residential R-3 Landowner Initiated Zoning MATRIX

This zone is intended to be a pure residential zone where the emphasis is on the enjoyment of the land in a residential setting.

ZONE NATION	MINIMUM PARCEL SIZE	USES BY-RIGHT NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
R-3	3 ACRES	<p>ONE SINGLE FAMILY RESIDENCE</p> <p>FAMILY GARDEN AND ORCHARD</p> <p>LIVESTOCK FOR FAMILY CONSUMPTION, 4-H PROJECTS, AND RECREATION</p>	<p>BED AND BREAKFAST</p> <p>HOME DAY CARE (CHILDREN) ELDERLY BOARD AND CARE</p> <p>HOME BASED BUSINESSES (INDOOR ONLY)</p> <p>OPEN SPACE CLUSTER RESIDENTIAL DEVELOPMENT</p>	<p>COMPLIANCE WITH SUBDIVISION REGULATIONS</p> <p>ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM</p> <p>ROAD IMPACT, SAFETY AND ACCESS ADEQUATE SEPTIC OR SEWER SYSTEM COMPLIANCE WITH STATE LICENSING STANDARDS.</p> <p>LIMITED TRAFFIC LIMITED HOURS OF OPERATION MINIMAL VISUAL IMPACT</p> <p>STANDARDS OUTLINED IN OPEN SPACE ZONE MENU</p>

## **Recommended Changes and Additions to Existing Regulations**

1. It is recommended that existing Subdivision Regulations be modified to incorporate Landowner Initiated Zoning policies including:
  - a) Policies and review procedures to evaluate proposed subdivisions for compliance with Landowner Initiated Zones.
  - b) Policies and standards to deal with clustered and dispersed residential development in the A/R 160, A/R 40 and Open Space Zones.
  - c) Policies to allow for phased development of infrastructure to serve home sites in A/R 160 and A/R 40 zones.
  - d) Policies and standards to deal with variations to the three acre minimum lot requirement in zones that allow for cluster development, as well as the Urban Services Zones (see Chapter 10 for detail on the Urban Services Zone).
2. It is recommended that PUD (Planned Unit Development) regulations be developed to address:
  - a) Multi-family housing,
  - b) Condominiums, and
  - c) Mixed use proposals which include a mix of residential and commercial uses.
3. It is recommended that the septic permit, driveway permit, and issuing of addresses be consolidated into one format for consumer convenience and ease of monitoring growth.
4. It is recommended that the Pipeline, Power line, and Major Microwave Installations Resolution be updated and strengthened.
5. It is recommended that in addition to the weed control provisions in the subdivision regulations, consideration should be given to extending weed control policies to all private and public lands in the County. A cost effective approach should emphasize weeds that are both noxious, and responsive to control measures.
6. Building Code recommendations are analyzed and presented in the following section.

## **Building Code and Building Permit System**

### **Background**

The unincorporated areas of Montezuma County have no building code or building inspection process. The Uniform Building Code (UBC) and fee schedule is used by all the municipalities within Montezuma County, and by virtually all of the counties in the state that have a code in place. Inspection is generally done by an employee or contractor of the government. Required inspections generally include: Footer, Stemwall, Framing, Rough Plumbing, Insulation, Mechanical, Drywall and Final Inspection. Electrical inspection is done separately by the State Electrical Inspector, a State mandated requirement already in effect in Montezuma County.

Those who favor a building code consider it a protection for the buyer, as well as a mechanism for certifying quality assurance on the part of the home builder. Codes are also considered as some degree of protection from public hazards such as fire danger, and as a potential check on unsightly development. Institutions involved in financing and appraising structures, generally see a building code as a framework within which to conduct their own verification of quality and safety standards. The building permit is the typical tool for notifying local governments as to what is being built and where.

Those who oppose a building code are concerned about the loss of flexibility for the owner/builder, delays related to waiting for inspections, the cost of the permit, and increased housing costs driven by code requirements. Opponents feel that housing should be built and sold on a "buyer beware" basis.

### **Summary of Major Issues**

1. Issues and concerns in support of a building code and permit system:
  - a) Lack of home buyer protection.
  - b) Lack of a local housing industry standard for quality.
  - c) Concerns about public safety and unsightly development.
  - d) Lack of an underlying structure for financial appraisals.
  - e) Inability of the County to identify and monitor new development, and to plan and provide for adequate public facilities required by new development patterns.
2. Issues and concerns opposing a building code and permit system:
  - a) Lack of flexibility for the owner/builder.
  - b) Inspection delays and the cost of buying a permit.
  - c) You can't have a risk free society: "Buyer Beware."
  - d) Increased cost of housing driven by UBC standards.
  - e) Would require additional County staffing.

### **Planning Goal**

To address the need for a building code/building permit system (buyer protection, industry standards, private sector appraisals, safety, growth monitoring and planning) while minimizing potential negatives (lack of flexibility, delays, housing costs, county staffing).

The recommendation which follows, is intended to address the need for a building code in a way that minimizes the potential negatives of a mandatory building code.

**Policy Recommendation: Building Code and Permit System**  
**Voluntary UBC Code Compliance with**  
**Private Sector Inspection and County Recorded Compliance**

1. It is recommended that the UBC Building, Mechanical, and Plumbing Code be adopted by the County for use on a voluntary home builder/owner initiated basis.
2. Inspections would be conducted by City inspectors, or persons in the private sector from a list of qualified individuals or firms. The home builder/owner would select a person or firm from the list, and arrange directly for inspections.
3. Those structures that are built and inspected in compliance with the UBC code, would be certified as such.
4. Builders could use the system to certify UBC compliance and provide quality assurance.
5. Individuals could use the inspection system as a means of monitoring the quality of both contractor and owner/builder work.
6. Lending institutions and others with a financial stake in the quality of construction could require voluntary UBC compliance.
7. UBC compliance could be advantageous to home sellers and home buyers by taking some of the "buyer beware" uncertainty out of home purchases.
8. The impact on County administrative costs and staffing would be minimal. The County can use consolidation of addressing, sewer and driveway permits to monitor the extent and location of residential growth.
9. UBC inspection and certification would be available to those who see it as beneficial, but would not required for those who see no need for UBC compliance.

**Policy Recommendations: Affordable Housing**

A major concern with raising standards and costs for rural residential development is the impact on affordable housing. To date, affordable housing, in rural Montezuma County, has been mobile and modular homes. It is recognized that increasing land prices, coupled with policies which make rural development pay more of it's share of the public costs of growth, have an impact on the cost of rural housing. To begin to address these concerns, it is recommended that:

1. Mobile and modular homes should not be "zoned out" of rural Montezuma County.
2. Efforts should be made to provide more affordable infrastructure in the urban services areas near the towns. (see Chapter Ten)
3. Where urban services (such as centralized sewer) are available, housing development should be allowed at densities greater than one unit per three acres.
4. Urbanizing areas near the towns should be planned to promote the quality of residential life by providing for amenities such as safe pedestrian and bicycle linkages to schools, parks and shopping areas.



## **Chapter Eight**

### **Open Space and Wildlife**

#### **Overview**

In the public meetings that framed the issues addressed in this Plan, the preservation of open space in Montezuma County was a central concern of many who participated. The general indicator, concerning open space, is density (i.e. houses per square mile). Chapter Nine will focus specifically on density. This Chapter will focus on the relationships between wildlife and open space including:

- Open space incentives within the Landowner Initiated Zoning (LIZ) system,
- Tax and other financial incentives for preserving open space and wildlife,
- Opportunities for landowners, the County, the Colorado Division of Wildlife and Federal land management agencies to cooperate in addressing wildlife impacts, and
- Wildlife mapping.

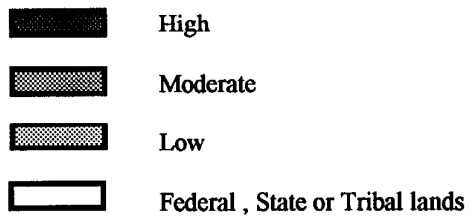
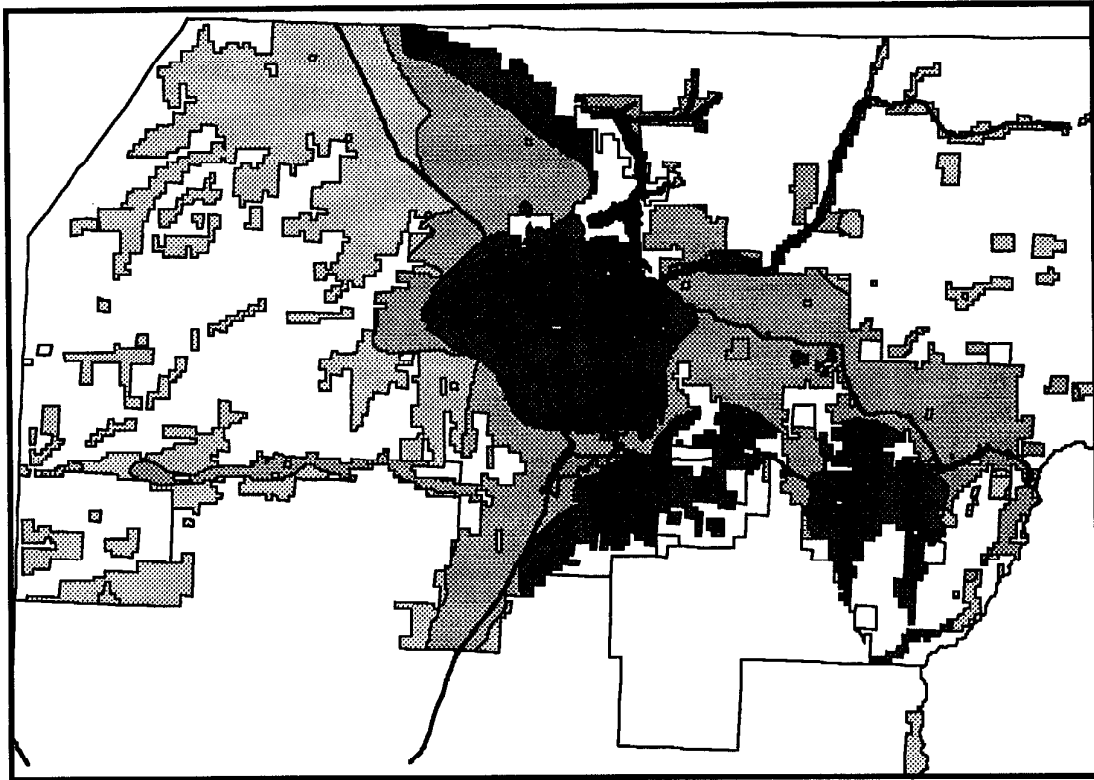
Sixty-eight percent of Montezuma County is federal land, which provides substantial open space and wildlife habitat. The biggest constraint on wildlife, however, is the shortage of winter range. Winter range tends to be at lower elevations, which are, largely, in private ownership. The most critical areas are in the valleys and areas near rivers and streams, which are also highly attractive for residential development.

As large farms and ranches are divided into smaller residential parcels, the added fences, domestic pets and roads repel some species. Other species are attracted by landscaping, and garbage cans. Under these circumstances, human-wildlife conflicts are bound to increase.

Some landowners are concerned about forage impacts of wildlife that summer on public land and winter on private land, as well as livestock damage from predator species. Other landowners appreciate the combination of wildlife and open space as an amenity of living in rural Montezuma County. In addition to the impacts and benefits to landowners, wildlife and open space contribute to the local economy, as an attraction to visitors and hunters.

A "Human/Wildlife Impact Areas Overlay Map" is presented as Figure 8-A on the following page. This map was developed by the County, using data and input from the Colorado Division of Wildlife.

**Figure 8-A**  
**Human/Wildlife Impact Areas Overlay Map**



This element of the plan is intended to begin a long term process of addressing human-wildlife conflicts in order to protect wildlife as an amenity, while minimizing, or compensating for, the negative impacts of wildlife on the continued viability of agriculture. The more that the open areas of the County are subdivided, and the further that development pushes out into previously undeveloped areas, the more critical the need will become to develop strategies to mitigate the inevitable human-wildlife conflicts.

### **Planning Goals Related to Open Space and Wildlife**

1. To enlist the cooperation and support of landowners, who view wildlife as an amenity, in efforts to accommodate healthy wildlife populations.
2. To improve the ability to identify and mitigate any negative impacts that wildlife may have on private property, and compensate landowners that are overburdened by such impacts.
3. To improve cooperation, communication and information sharing between landowners, the County and the Colorado Division of Wildlife, while retaining the ultimate authority for making land use decisions with the Montezuma County Commissioners.
4. To provide voluntary incentives, and flexible land use opportunities, that encourage quality open space and wildlife habitat in Montezuma County.

### **Policy Recommendations: Open Space and Wildlife**

1. **Landowner Initiated Zoning.** Adoption is recommended of a LIZ Open Space zone, designed to encourage development which maximizes wildlife and open space while minimizing wildlife conflicts including:
  - a) Restriction of development to 1 homesite per 10 acres in a conventional subdivision or 1 homesite per 5 acres with clustered development.
  - b) Covenants that address fencing, pet control, weed control, forest management, fire safety etc.
  - c) Design standards that address wildlife migration and habitat concerns.(See LIZ Open Space Zone Matrix on page 8-6)
2. **Archaeological Resource Protection.** It is the policy of Montezuma County to encourage voluntary landowner protection of archaeological sites. It is recommended that LIZ open space incentives be available as a tool for voluntary archaeological site protection.



3. **Open Space and Wildlife Incentives** are recommended which:
  - a) Encourage the use of conservation easements to support a landowner's decision to set aside open space and wildlife habitat.
  - b) Work with the County Assessor and the State Legislature to develop a property tax classification for areas designated as open space, so landowners are not penalized by having to pay vacant land property tax rates.
  - c) Provide education to landowners on the pros and cons of conservation easements, and provide technical support to landowners who wish to pursue conservation easements.
  - d) Encourage CDOW short and long term leases, based on criteria that maximize open space and wildlife benefits.
4. **Habitat Partnership Program.** It is recommended that Montezuma County:
  - a) Work with the CDOW to implement the Habitat Partnership Program (HPP) in Montezuma County.
  - b) Become influential in how the HPP supports and protects the landowner's interests as well as wildlife populations.
  - c) Assist in educating landowners on the options that may be available when they experience wildlife impacts.
5. **Wildlife Mapping.** It is recommended that any and all data and maps, available from the Colorado Division of Wildlife, be used in the County planning process:
  - a) Such maps and data can be used by the County without relinquishing County authority to CDOW.
  - b) The Human/Wildlife Impact Overlay Map (Figure 8-A) is an example of how data, from the Division of Wildlife, can be used to develop County Wildlife Maps.
  - c) Wildlife maps can be useful in the County planning process to identify and support voluntary efforts, to reduce short term and long term conflicts, between increased development and the continued presence of wildlife.
  - d) Wildlife Maps can be used as a tool to guide development by people who choose the LIZ Open Space Zoning Option.
  - e) Wildlife Maps, can be refined to prioritize areas most appropriate for incentives. These incentives include the purchase of development rights, the lease of wildlife corridors and critical habitat areas, and similar voluntary opportunities for addressing wildlife issues.

6. **Donations to Support Wildlife Incentives.** It is recommended that mechanisms be investigated to take donations, to be applied to the cost of leases, easements and other measures to accommodate wildlife while reducing human/wildlife conflicts.
7. **Prairie Dog Control.** It is recognized that prairie dog infestations are a potential threat to agricultural viability. Accordingly, it is recommended that the full range of prairie dog control methods, for use by private landowners, be explored. The County should assist, as necessary and possible, in addressing regulatory obstacles to the use of effective control methods.

The LIZ Open Space Zone Matrix is presented on the following page.

## Open Space Landowner Initiated Zoning Menu (DRAFT)

This zone is intended for preservation of open space for residential, recreational and wildlife purposes

DESIGNATION	MINIMUM PARCEL SIZE	PERMITTED USES NO HEARING REQUIRED	CONDITIONAL USES HEARING REQUIRED	STANDARDS AND RESTRICTIONS
OS	10 ACRES CONVENTIONAL SUBDIVISION	ONE SINGLE FAMILY RESIDENCE  FAMILY GARDEN AND ORCHARD  PRIVATE PARK AND RECREATIONAL FACILITIES		COMPLIANCE WITH SUBDIVISION REGULATIONS  <u>ALL LOTS MUST COMPLY WITH RESTRICTIONS CONCERNING:</u> <ul style="list-style-type: none"> <li>HOMESITE PLACEMENT/SPACING</li> <li>VISUAL QUALITY</li> <li>WILDLIFE SENSITIVITY</li> <li>ROAD IMPACT</li> <li>COVENANTS-                             <ul style="list-style-type: none"> <li>PROPERTY MANAGEMENT</li> <li>PET CONTROL</li> <li>WEED CONTROL</li> <li>ECT.</li> </ul> </li> <li>FIRE/EMS SERVICE</li> </ul>
	OR          W/ CLUSTER DEVELOPMENT (DEPENDS ON SEPTIC CAPABILITY)	CLUSTER INCENTIVES AVAILABLE ON PARCELS GREATER THAN 10 ACRES THAT ARE NOT A PART OF AN EXISTING OR PROPOSED SUBDIVISION		<u>ADDITIONAL RESTRICTIONS FOR CLUSTERS ARE:</u> CLUSTER DEVELOPMENT RIGHTS: <ul style="list-style-type: none"> <li>1 HOMESITE PER 5 ACRES</li> <li>5 HOMESITES PER CLUSTER</li> <li>4 CLUSTERS PER PARCEL</li> </ul> CLUSTER STANDARDS: <ul style="list-style-type: none"> <li>MINIMIZE THE LOSS OF OPEN SPACE AND WILDLIFE HABITAT.</li> <li>PROVIDE A ROAD PLAN FOR EACH CLUSTER WITH ADEQUATE EMERGENCY SERVICE ACCESS.</li> <li>ONE OR TWO COUNTY ROAD ACCESS POINT FOR EACH CLUSTER.</li> <li>PROVIDE A PLAN FOR ADEQUATE SEPTIC CAPABILITY TO SERVE CLUSTERED HOME SITES.</li> <li>SPACING OF CLUSTERS TO MAXIMIZE VISUAL QUALITY AND WILDLIFE HABITAT</li> </ul> LIMITED TRAFFIC LIMITED HOURS OF OPERATION MINIMAL VISUAL IMPACT
			HOME BASED BUSINESSES (INDOOR ONLY)	

## Chapter Nine Residential Density

### Overview

Between 1990 and 1995, 81% of new housing starts were in rural (unincorporated) Montezuma County. Table 9-A and Figure 9-A are based on Colorado State Demographer population projections and the assumption that four out of five new houses will continue to be rural. Table 9-A indicates that the rural population will double from 12,000 to 24,000 people in the 25 years between 1995 and 2020.

The density issue involves the impact of the additional 12,000 people on the 570 square miles (364,000 acres) of private land in Montezuma County. As of 1990 there were 6 houses per square mile, or one house per 100 acres of private land in rural Montezuma County. By 1995 density rose to 8 houses per square mile or one house per 80 acres. By 2020 there is projected to be 17 houses per square mile or one house per 39 acres in rural Montezuma County.

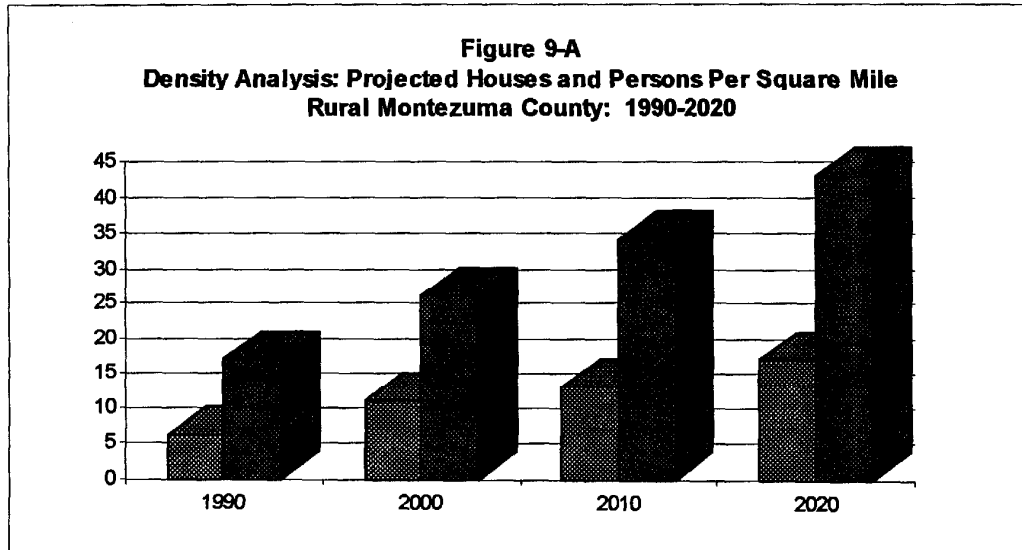
The density projections in Table 9-A are averages for the whole County. These averages combine a wide range of densities. Figure 7-B, the county-wide "Density Analysis Map" illustrates average density per section. Densities on the high end are one unit per 5 to 10 acres or 65-130 units per section. As expected, higher and moderate density areas tend to be along the highway corridors, and near the three towns that these highways connect.

**Table 9-A**  
**Current and Projected Households, Population and Densities**  
**In Rural Montezuma County**

<b>Year</b>	<b>Rural Households</b>	<b>Rural Population</b>	<b>Acres Per House</b>	<b>Houses Per Square Mile</b>	<b>Acres Per Person</b>	<b>People Per Square Mile</b>
<b>1990</b>	3,672	9,636	99	6	38	17
<b>1995</b>	4,525	11,705	80	8	30	20
<b>2000</b>	6,000	14,550	61	11	25	26
<b>2005</b>	6,600	17,131	55	12	21	30
<b>2010</b>	7,525	19,573	48	13	19	34
<b>2015</b>	8,450	21,973	43	15	17	39
<b>2020</b>	9,375	24,373	39	17	15	43

**Source:** Extrapolated from average annual growth rates between 1991 and 1995 as presented in Table 7-B cross checked with State Demographer population projections. Calculations are based on 364,000 acres of private land.

Figure 9-A is a graphic presentation of the projections in Table 9-A. Figure 9-C shows how some of the varying density levels presented on the Density Analysis Map are manifest at the section and parcel level of analysis.



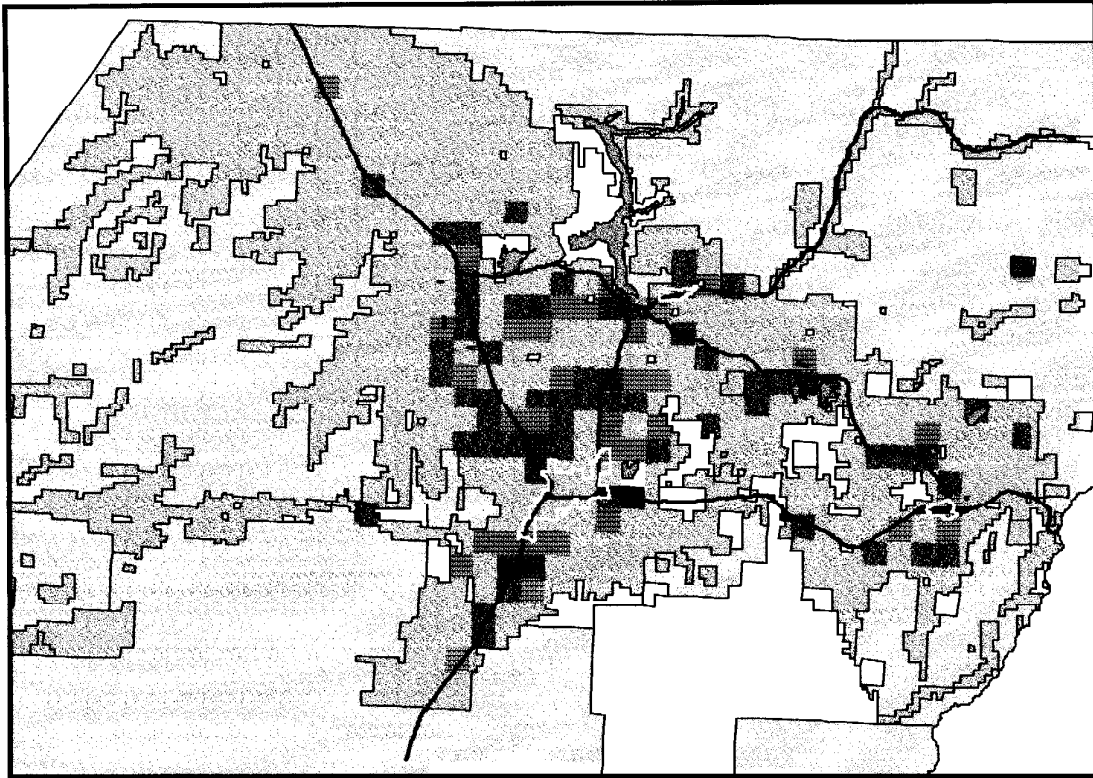
Source: Table 9-A

One planning approach to controlling rural densities is the development of policies that take some of the development pressure off of the rural lands by encouraging a bigger share of development to occur in the existing towns and in adjacent areas that may eventually be annexed by the Towns. Specific strategies for concentrating growth near the Towns is dealt with in Chapter Ten. This Chapter will focus on three broad questions which were dominant themes in the four public meetings that kicked off the planning process. These themes include agriculture, rural character, and infrastructure:

- **Agriculture.** Will agriculture have an adequate land base to remain viable in 25 years?
- **Rural Character.** Will the attractiveness and value of property in rural Montezuma County diminish over the next 25 years with the loss of rural character?
- **Infrastructure.** What level of planning and public investment will be required to support projected population growth with roads, utilities and services?

Each of these density issues will be addressed beginning on page 9-5.

Figure 9-B  
Montezuma County Density Analysis



Density Levels ( 640 ac. / # of parcels ) = density

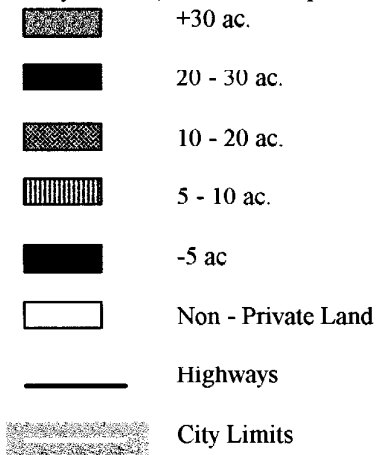
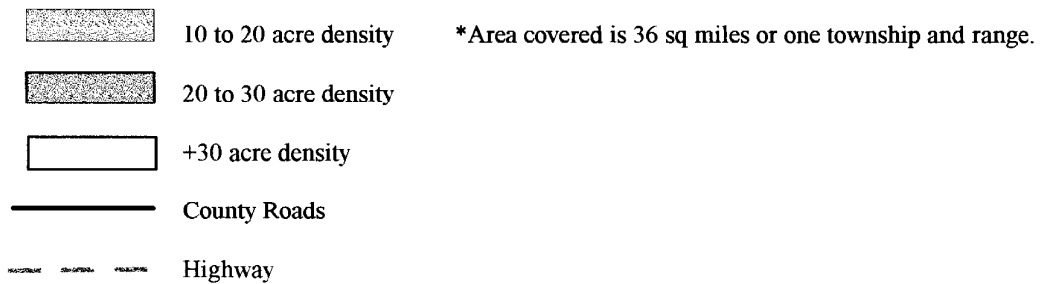
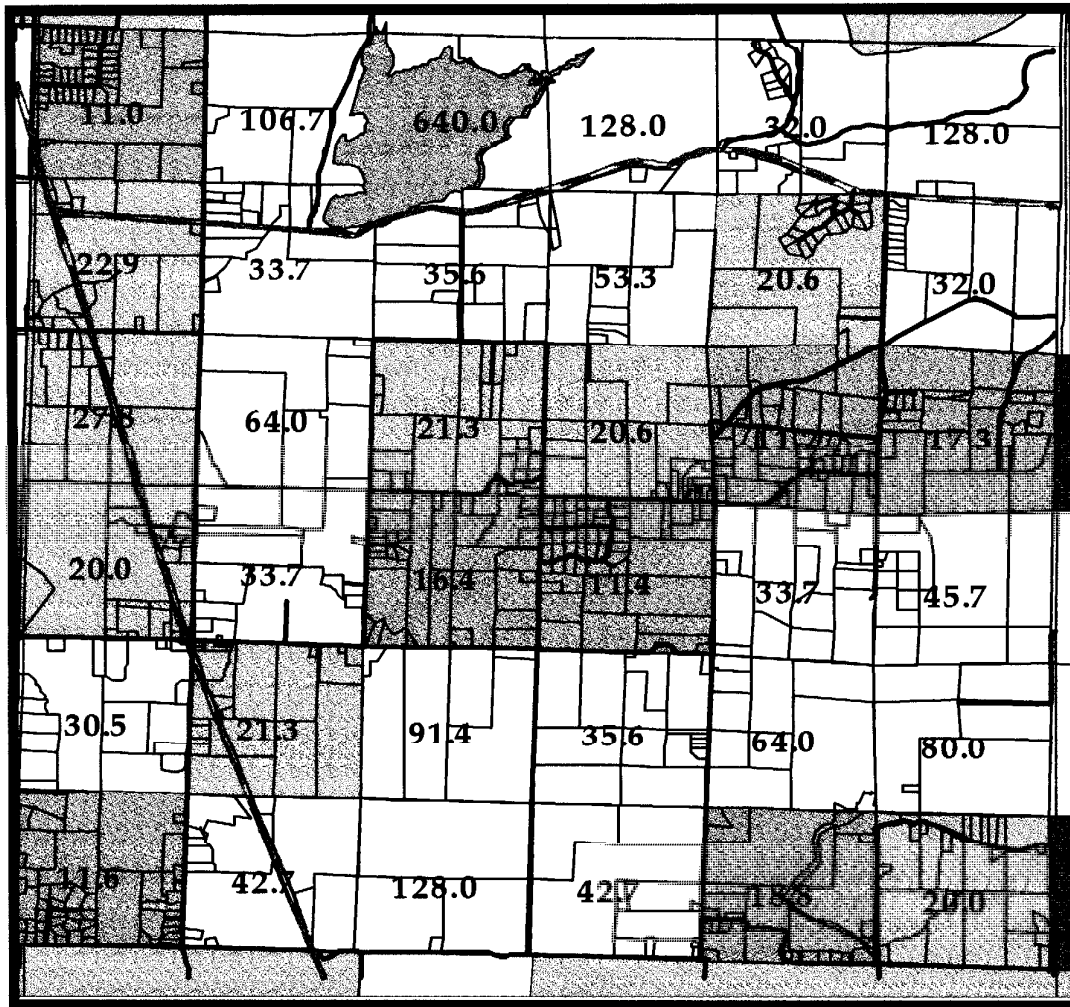


Figure 9-C  
Example of Varied Parcel Density



**Density Analysis: Agricultural Viability**

As Table 6-B in Chapter 6 indicates 91% of privately owned acres in Montezuma County are in parcels of 35 acres or greater, and 60% of privately owned acres are in parcels greater than 160 acres. This is reflective of the fact that in spite of recent growth, a substantial agricultural land base remains in tact in the County.

The incentives in the A/R 160 and A/R 40 LIZ zones allow for up to 48 clustered home sites per square mile (section) of land. Such densities would provide for three or four times the number of rural home sites needed over the next 25 years as projected in Table 9-A.

The cluster incentives are premised on the reality that if the 48 home sites per section were developed as three acre tracts, 75% of the land would be conserved for agricultural use. These incentives also are intended to restrict housing development to non-productive lands, which tend to be areas where vegetation and topography provide a degree of seclusion that is not possible on cleared land.

To the extent that agricultural landowners use the A/R 160 and A/R 40 incentives, home sites can be developed and sold to meet the long term growth needs of the rural county while maintaining a significant agricultural land base. Such growth would be in keeping with the pattern of mixing continued agricultural use with rural home site development.

The tax benefits from conservation easements are described in relation to agriculture in Chapter Three, and in relation to wildlife and open space in Chapter Eight. Conservation easements, and related tools complement the Agriculture and Open Space LIZ zone incentives. As such they can contribute to densities that support agricultural viability and rural character.

**Density Analysis: Rural Character**

The "rural character" question centers on the concern that densities can reach the point, where rural areas lose the open character, that made these areas attractive in the first place.

As the preceding analysis indicates, it is unlikely that Montezuma County, as a whole, will be overwhelmed by high density development. It is possible that specific neighborhoods could suffer from a loss of rural character. The Artesian Valley Ranch subdivision in Florida Mesa in La Plata County is an instructive example of this problem. The proposal under review involves 244 lots on 1,000 acres in what has been a much lower density rural area. The firestorm of controversy that has triggered several days of public hearings, and an attempted recall of two County Commissioners, centers on anticipated loss of rural character in that part of the County.



Densities are controlled in conventional zoning by minimum lot sizes that get larger as you move away from existing population centers. The areas nearest the towns would be zoned for three acre lots, the next concentric ring out would require 10 acre lots, the next ring out 20 acre lots, etc. Chapter Three explains why conventional density zoning is not the recommended policy, given the pattern of mixed parcel sizes that has emerged in Montezuma County.

The other alternative that was considered is a “density cap,” that allows for a mixture of lot sizes, but limits overall densities by a designated area such as a section or square mile. This approach was rejected as impractical because many of the higher density areas have already exceeded density thresholds that would make any long term difference in the more rural parts of the County. If some form of density capping is taken up in the future, the policy should keep open reasonable future development opportunities for those landowners who wish to continue farming or holding large parcels.

In addition to the agricultural preservation incentives described above, Landowner Initiated Zoning (LIZ) would allow property owners to establish density patterns at their own initiative. As density patterns emerge, this could be taken into account in evaluating future subdivision and zoning requests.

The biggest concern about LIZ is the possibility of initiating three acre zoning on large tracts of land. For example, zoning an entire section of land for three acre parcels could result in a density of 200 lots per square mile, triggering the Artesian Valley Ranch problem described above. Some thought also needs to be given to mobile home parks which can reach densities of 6,000 units per square mile.

Another major concern about LIZ zoning, for high density residential development, is the feasibility and public costs of providing infrastructure and services to remote parts of the county and/or areas where little or no infrastructure is in place. This issue is taken up in the next section.

### **Density Analysis: Infrastructure and Services**

The reality is that at some point, densities can reach a level where the existing infrastructure, such as the county road system, can no longer handle the traffic from additional development. There is also a point at which services, such as law enforcement, become cost-prohibitive to the taxpayer. When new development adds substantially to the public costs of providing infrastructure and services, a fair share of these added costs should be taken care of, at the expense of the developer.

The County Commissioners have adopted a County Road Impact Fee, which requires a per lot impact fee on subdivided lots, to help finance expanding county road capacities to handle subdivision growth. The impact fee is discussed in more detail in Chapter Eleven. The limitation of this tool is that it only addresses road impacts and doesn't deal with other growth impacts resulting from increased density.

### **Density Policy Alternatives: Discussed but Rejected in Weighted Voting**

The following policies were discussed, but rejected in the weighted voting process:

A density based approach to the problem was discussed in the form of "density thresholds." Development, exceeding a specified density threshold, would be required pay the costs for expanded utilities and services. Such thresholds would be set, based on the "carrying capacity" of existing infrastructure, and the level of expansion needed to increase capacities to acceptable levels.

The objection to the "density threshold" approach is that new development would be asked to finance improvements that would serve development that occurred before the threshold was adopted. The other problem is that there are areas that may exceed rural density thresholds, that are suitable for further development. Such areas may warrant public investments, in order to efficiently provide for growth, by avoiding sprawl into relatively undeveloped areas.

The other approach that was discussed is an "adequate public facilities" ordinance. This would simply require new developers to insure that there are adequate public utilities to serve the proposed level of development. Criteria would be established to evaluate the adequacy of public facilities, while leaving the developer to figure out how to achieve and demonstrate adequacy.

### **Summary of Major Issues Related to Density**

1. Growing rural population densities make it increasingly difficult for farming and ranching to remain viable.
2. Growing rural population densities begin to undermine the openness and freedom, as well as the natural and agrarian beauty that attracts people to live in the country.
3. The County road system was designed to carry rural traffic levels and could become totally inadequate as higher density levels are reached.
4. Other utilities and services (such as volunteer fire departments) could also be overwhelmed by high density development.
5. Any capping of density should keep open the option, for future residential development, by those landowners who wish to continue farming or holding large parcels.

## **Planning Goals Related to Residential Density**

1. To initiate voluntary options and incentives to maintain rural densities in keeping with the continuation of agriculture, the maintenance of open space and the rural heritage and legacy of Montezuma County.
2. To monitor the effectiveness of voluntary measures intended to maintain rural densities.
3. To insure, to the extent that high density development is allowed, that these developments pay a fair share of the added public costs brought on by exceeding existing infrastructure and service capacities.

## **Policy Recommendations: Residential Density**

1. **Landowner Initiated Zoning.** It is recommended that agriculture and open space incentives in Landowner Initiated Zones be utilized to voluntarily achieve density levels that allow for the continuation of commercial agriculture and the protection of open space.
  - a) LIZ incentives include phased cluster and dispersed home site development, which would have the effect of allowing significant home site development while keeping 75% of the land in agricultural use or open space.
  - b) Where LIZ agricultural and open space options are used, maximum density would be 48 home sites per square mile or one home per 13 acres.
2. **Conservation Easements.** It is recommended that voluntary conservation easements, and other appropriate tools, should be used to help maintain densities that meet agricultural and open space goals.

Conservation easements can be used as a free standing tool or in conjunction with Landowner Initiated Zoning.

## **Chapter Ten Rural Sprawl**

### **Overview**

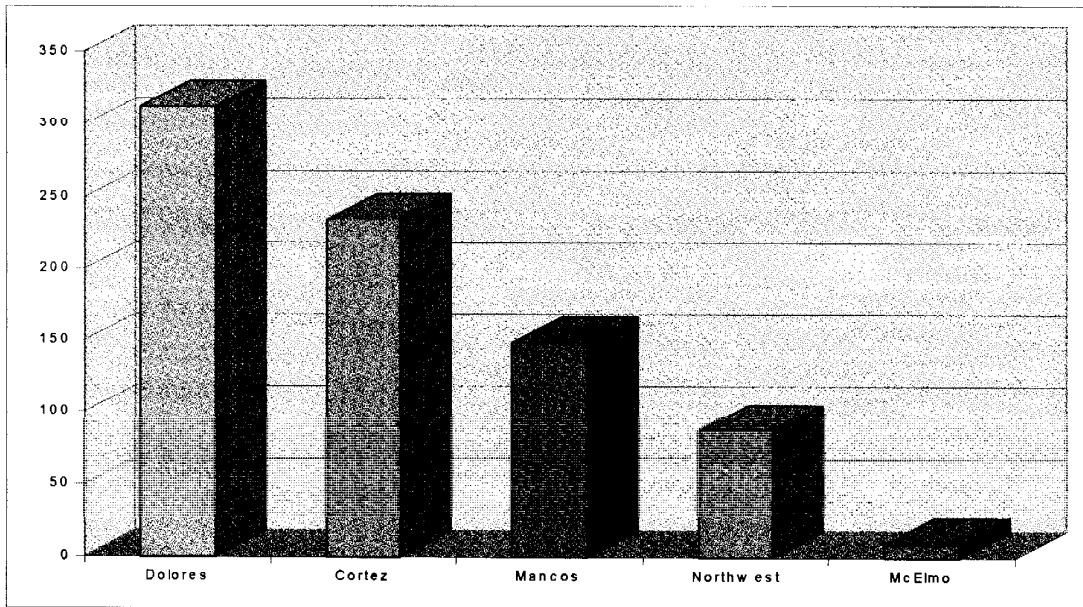
A pattern of growth has been established in Montezuma County that can be characterized as "rural sprawl," in that growth has spread throughout virtually all areas of the rural county. Chapter Eleven will address infrastructure, services, revenue limitations and the costs of growth in detail. This Chapter will connect the issues of infrastructure and the costs of growth to the pattern of where growth is occurring. Policies will be put forward to encourage the concentration of a larger share of future growth in and near the towns of Cortez, Mancos and Dolores, as well as the unincorporated town of Pleasant View.

The availability of rural water in most parts of Montezuma County, coupled with the growing desire to live "out in the country," has resulted in a development pattern in which four out of five houses built since 1990 are in rural parts of the County. New subdivisions in the 1990-95 period have occurred throughout rural Montezuma County.

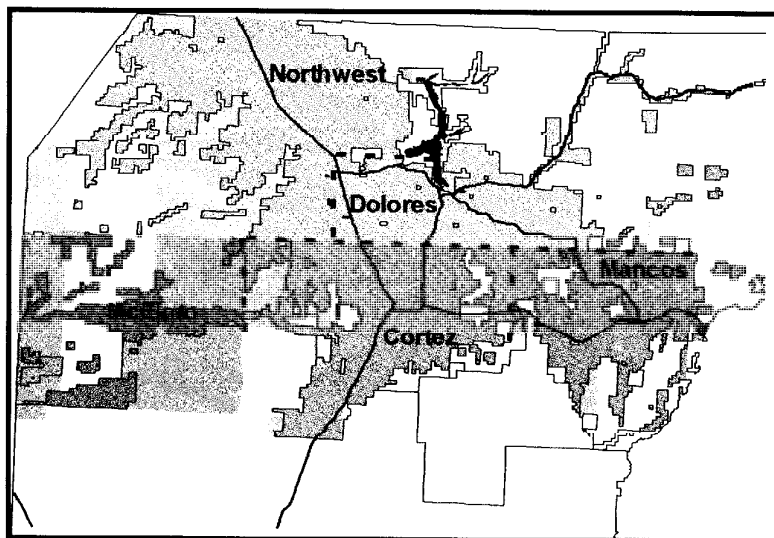
To analyze where land subdivisions are occurring, the County was divided up into the five analysis areas. Figure 10-A, on the following page, presents a map defining the analysis areas, along with a table and bar graph, which present subdivision trends in each Analysis Area.

The Dolores, Mancos and Cortez Analysis Areas are remarkably similar, in the way that growth rates have stepped up and down, on a year-by-year basis. There are also some interesting contrasts: Lots smaller than 10 acres dominate the Dolores Analysis Area and the urbanizing portion of the Cortez Analysis Area, while lots of less than 10 acres make up just above 50% of lots created in the Mancos and the rural portion of the Cortez Analysis Areas.

Figure 10-A  
Lots Created ( 1990 - 95 ) by Analysis Area



Analysis Area	1990	1991	1992	1993	1994	1995	Total
Dolores	38	29	33	44	93	75	312
Cortez	31	20	35	39	87	22	234
Mancos	17	10	18	19	54	31	149
Northwest	19	11	12	16	13	16	87
McElmo	2	1	2	2	2	0	9



Growth in each of the analysis areas can be characterized as follows:

1. **Dolores Analysis Area.** 39% of all lots created between 1990-95 were in the Dolores Analysis Area. Of the 312 lots created nearly half were 5 acres or less, 25% were 5 to 10 acres and 25% were 10 acres or greater.
2. **Cortez Analysis Area.** 30% of all lots created were in the Cortez Analysis Area, which includes the upper part of McElmo Canyon to a point just East of Battle Rock School. In the urbanizing area surrounding Cortez, 86% of the new lots were 10 acres or less (70% less than 5 acres and 16% 5-10 acres). In the more rural portion of the of the Cortez Analysis Area, a little over half (52%) of the lots created were in the 10 acre or less category, with 22% of the lots in the 30-40 acre category.
3. **Mancos Analysis Area.** 19% of all lots created between 1990-95 were in the Mancos Analysis Area. A little over half of the lots (54%) were 10 acres or less. 21% of the Mancos Area lots were in the 30-40 acre size class.
4. **Northwest Analysis Area.** 11% of all lots created between 1990-95 were in the Northwest Analysis Area. In this area over half (53%) of the new lots created were 35 acres or more, so larger size classes were used to reflect this pattern. Only 29% of new lots created were less than 10 acres.
5. **Lower McElmo Analysis Area (West of Trail Canyon).** 1% of all lots between 1990-95 were in the Lower McElmo Analysis Area. Of the 9 new lots created between 1990-95, 4 lots were less than 5 acres, 3 lots were 5-10 acres, 1 lot was 10-20 acres and 1 lot was 20-30 acres.

Without any plan for growth, the County and other utility and service providers have had to respond to development when and where it occurs. Instead of growth occurring where infrastructure is available; infrastructure is "chasing" growth. This has been a particular problem for the County because revenues have declined during the recent period of rapid growth (see Chapter Eleven for detailed revenue analysis). The most visible manifestation in the County is the deterioration of County roads.

Other utility providers, such as Montezuma Water Company and Empire Electric, are in a much better position to pass expansion costs on to new subscribers. But, even these entities would be in a better position, to plan for and cost-effectively develop utility systems, if there was some pattern to the sprawl. The inefficiencies of unplanned growth are ultimately passed on the consumer.

As a result of revenue shortfalls, the County is being forced to look at the services that they provide more like a utility company. User fees, such as the road impact fee, represent an initial attempt to grapple with the costs of growth. Trying to address the cost of services, such as law enforcement, is even more problematic. Volunteer services, like the fire departments, face the same

problem, compounded by the difficulty of recruiting an increasing number of volunteers adequate to the demands created by growth.

This plan is not going to change the desire of people to live out in the country, but it is essential to recognize that steps need to be taken to deal with the costs of rural sprawl. As these policies are put in place, the result is going to be an increase in the costs of development in rural parts of the county. In turn, these costs are going to be passed on to the land and home buyer. This raises the concern about the affordability of housing for those people not in a position to pay for the increasing costs of rural development.

In the future, affordable housing will be increasingly coupled with the cost-effective use of land and provision of roads and utilities. The availability of centralized sewer is key to being able to combine smaller lots, higher densities and the cost effective provision of utilities and services.

Opportunities for the concentration of higher density development are in and near the towns of Mancos, Dolores, Cortez and the unincorporated Town of Pleasant View. Table 10-A projects future rural and urban growth based on the 1990-95 trend of 81% of growth occurring in the rural county. Table 10-A presents an alternative scenario in which new growth is split 50/50 between the rural county and the towns.

**Table 10-A**  
**Population Projections 1995-2020 in Five Year Increments**  
**Comparing Current Trend of 81% of Total Growth in the Rural County to**  
**A Scenario of 50% of Projected Growth in Rural County and 50% in Towns**

Year	Projected County Population	Projections Based on Current Trend of 81% Rural Growth			Projections Based on 50% Rural/ 50% Town Growth		
		Projected Rural Population	Projected Town Population	Rural % of Growth	Projected Rural Population	Projected Town Population	Rural % of Growth
1990	18,710	9,636	9,074	51.5%	9,636	9,074	51.5%
1995	21,829	11,705	10,124	53.6%	11,705	10,124	53.6%
2000	25,341	14,550	10,791	57.4%	13,461	11,880	53.1%
2005	28,528	17,131	11,397	60.0%	15,055	13,474	52.8%
2010	31,542	19,573	11,969	62.1%	16,562	14,981	52.5%
2015	34,505	21,973	12,532	63.7%	18,043	16,462	52.3%
2020	37,469	24,373	13,096	65.0%	19,525	17,944	52.1%

Source: 1990 and 1995 Population Estimates, and County-Wide Population Projections for 1995 to 2020 are from the Colorado State Demographer. Rural Growth is projected at 81% of County growth based on 1990-95 trends as presented in Table 2-A.

Table 10-A presents the reality that if 81% of new development continues to be rural, the population of the rural county will be nearly twice that of the Towns by the year 2020. The alternative "50/50 Scenario" presented in Table 10-A, would keep town and rural populations in relative balance. Under the "50/50 Scenario," the rural county would have to absorb over 1,000 fewer housing units in the 25 year period between 1995 and 2000 (3,800 units as compared to 4,875 units in the current 81% rural trend).

If the County can move to something approximating the "50/50 Scenario," some of the pressure can be taken off the rural density problems, analyzed in Chapter Nine, and in the infrastructure and cost of growth problems, analyzed in Chapter Eleven.

Encouraging a higher proportion of urban growth could also help to address the issue of affordable housing. The reality is that, as the County puts in place measures designed to get rural growth to pay more of its way, rural housing development is going to become proportionately more expensive. The added costs of rural growth will result, in part, from the increasing financial inefficiencies of "infrastructure chasing growth."

To the extent that the infrastructure of the towns can be used to increase the share of growth, in and near the towns, housing will remain more affordable for future residents. An additional benefit of concentrating more growth in urbanizing areas of the County, is that some of the pressure can be taken off of rural lands, allowing for rural densities that better meet the agricultural viability and open space goals of the plan. Another likely result, would be healthier and more robust towns.

It must be recognized, however, that higher densities in urbanizing areas require standards designed to accommodate urban growth. Furthermore, if more people are going to opt for living in urbanizing areas, these areas are going to need to be planned so that they are attractive and livable. Provisions should be made for basics, such as well planned streets and amenities, such as walking and biking trails, for children and retirees.

### **Summary of Major Issues Related to Rural Sprawl**

1. As a result of unplanned sprawl, growth is chasing development, raising the costs and/or resulting in the deterioration of roads, utilities and services.
2. County revenue shortfalls are forcing the county to rely more on user and impact fees, which add to the cost of land and housing. Other public utilities and services are also in a position of having to pass the costs of sprawl on to their subscribers. Volunteer organizations, such as the fire departments, are at risk of being unable to deal with increasing demands on a volunteer basis.



3. While it is inevitable that many, who can afford to, will live in the country, it is important to think about higher density development areas that can allow for more affordable infrastructure, service and housing costs.
4. Higher density development must be coupled with adequate public services and facilities; as well as standards adequate for managing urbanizing densities.
5. If urbanizing areas are going to provide a "quality of life" alternative to living in the country, the planning of amenities such as sidewalks, trails and safe streets are going to be essential.

### **Planning Goals Related to Rural Sprawl**

1. To encourage an increasing share of higher density development in the urbanizing areas in and around the towns.
2. To plan such development so as to expand affordable housing options for current and future residents.
3. To make higher density development areas safe, attractive and cost effective in the provision of public facilities and services.
4. To preserve agricultural land.

### **Policy Recommendations: Rural Sprawl**

1. **Landowner Initiated Zoning Incentives.** It is recommended that the Landowner Initiated Zoning (LIZ) Urban Services Zone should allow for lots of less than 3 acres in urbanizing areas where centralized sewer is available, or can be made available.
  - a) The Urban Services Zone should include standards that are appropriate for urban densities and compatible with the municipalities that will serve and may eventually annex urbanizing areas.
  - b) Planning for development in the Urban Services Zone should encourage the safety, attractiveness and cost effective provision of public facilities and services.
  - c) It is desired that Urban Services Zone incentives should expand affordable housing options for current and future residents, while reducing density pressure on the more rural parts of the County.
2. **Sprawl and Density** It is recommended that:
  - a) Any policies adopted to manage density in the more rural parts of the County should allow for higher densities in urbanizing areas.
  - b) Criteria should be developed to accommodate higher densities as the towns and urbanizing areas grow, and adequate public facilities are available.

## **Chapter Eleven**

### **Infrastructure, Services and Costs of Growth**

#### **Overview**

The growth that is taking place in rural Montezuma County has required expanded utilities and services to accommodate new residences. Most of the utility companies have been able to finance expansion and increased maintenance costs through a combination of "connection fees," for getting on the system, and monthly "rates" for the amount of water, electricity, etc. that rural customers use. While most of these utilities have the capacity to respond to growth, most agree that planned growth can be responded to in a more cost-effective and timely manner.

There are, however, infrastructure and service providers that have had trouble keeping up with the costs and demands of additional growth. County infrastructure and services have been especially problematic since increased population and demand for services has been accompanied by declining revenues. County roads and law enforcement are the clearest example of this problem.

Special districts, that depend on property taxes to operate, have faced similar problems. Some fire districts have gotten mil levy increases approved by the voters, to off-set increasing costs. Other fire districts have not had revenue increases, and are forced to put available funds into direct services, without being able to build up funds needed to replace equipment.

A deeper problem for the fire districts is the challenge of recruiting enough volunteers to meet the growing demand for fire protection and emergency services. These challenges are compounded by the *imminent loss of local* dispatch capability to a centralized dispatch center in Montrose. The lack of familiarity of a distant dispatch center with local roads, streets and terrain is a big concern, when it comes to directing emergency responses.

Finally, the complexity of coordinating the growing array of facilities and services needed to serve growing rural populations has become a challenge in, and of, itself.

The balance of this chapter will include the following components:

- An analysis of the Montezuma County revenue picture,
- Statistics and issues related to the demand for law enforcement and emergency services,
- An analysis of utility infrastructure capacities,
- An analysis of county road priorities, plans, current revenue sources and revenue options,
- A summary of major planning issues, goals, and policy recommendations with regard to infrastructure and costs of growth.

## **The Montezuma County Revenue Picture**

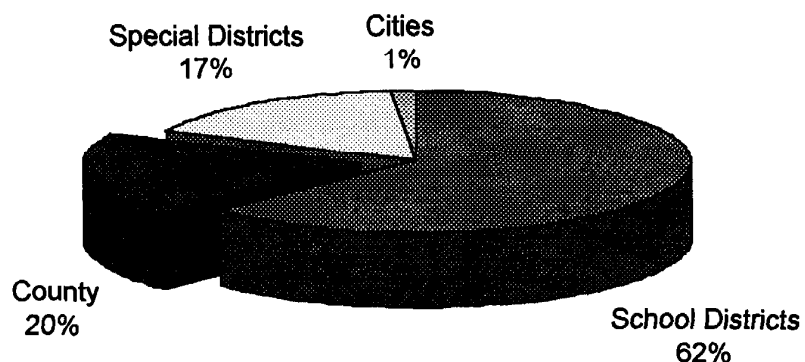
This analysis begins with a commonly asked question about County revenues and services:

"With all of this growth, why doesn't the County have the additional tax revenue to provide the necessary services?"

The first step in answering this question is to look at where local property tax dollars go. Figure 11-A presents revenue shares, by type of entity in 1996.

**Figure 11-A**

### **Who Gets the Property Tax Dollars? (1996)**



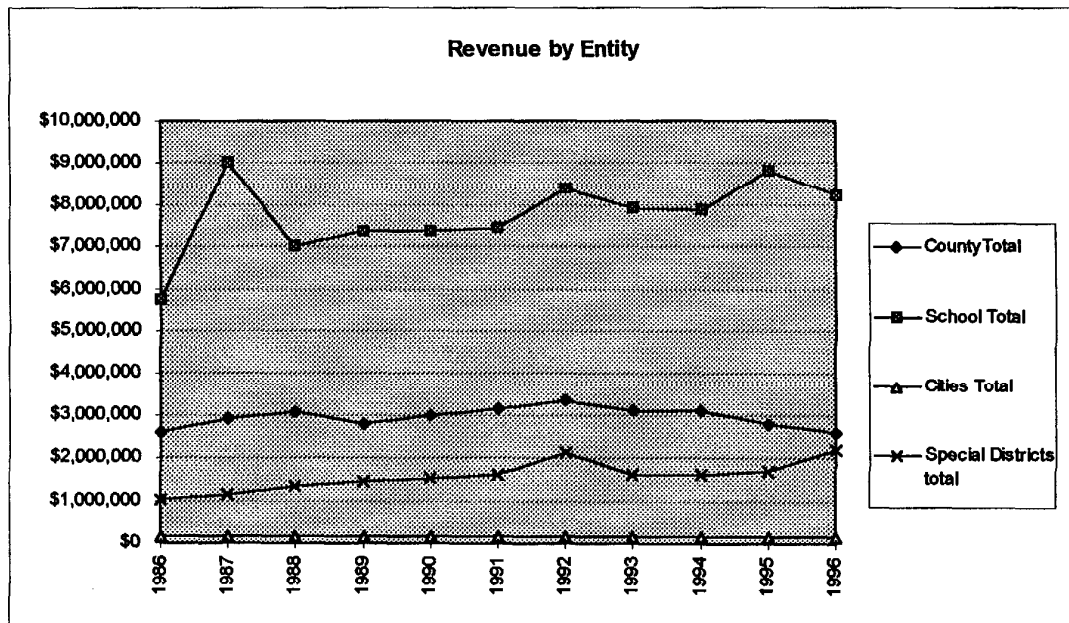
As Figure 11-A illustrates, the County gets 20% of the property tax dollar and special districts get 17%. Most of the property tax goes to the school districts. The cities rely primarily on sales tax.

Having established that only 20% of property tax revenues go to the County, the next question is:

"Aren't County revenues going up as a result of all of this growth?"

Figure 11-B looks at revenue trends by entity between 1986 and 1996.

**Figure 11-B**



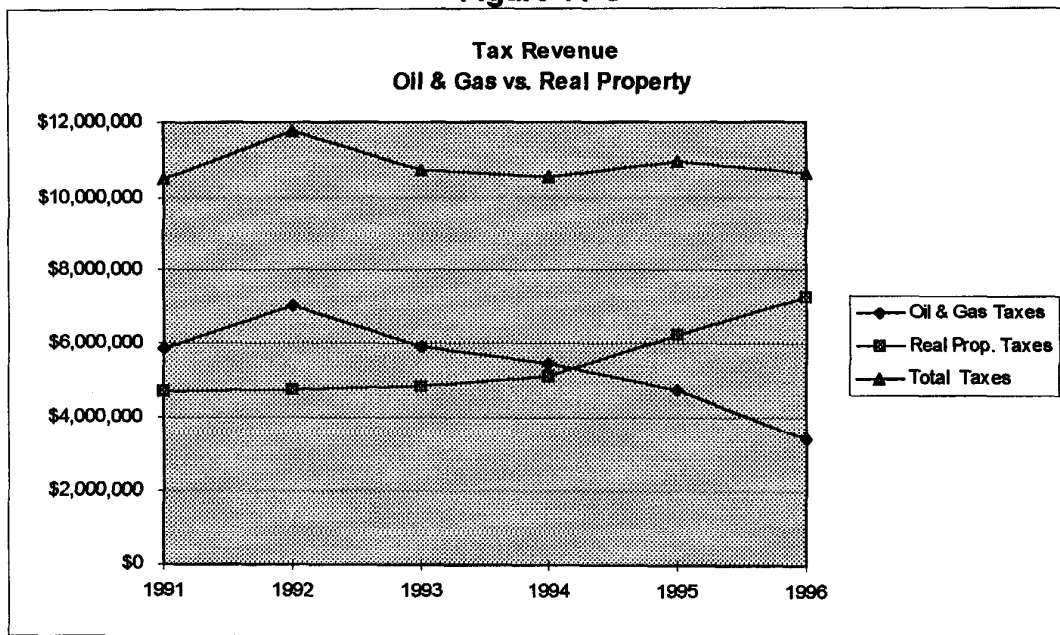
As Figure 11-B illustrates, County property tax revenue peaked in 1992 and began to drop. By 1996 revenues have dropped back to 1986 levels. Ironically, the period from 1993 to 1996, which saw the most growth, was the same period when revenues declined.

Having established that County revenues are not increasing the next question is:

"Why are total property tax revenues going down in a period of rapid growth?"

Figure 11-C illustrates that, while tax revenue from real property (land and improvements) is going up, oil and gas revenue is going down by even more. The assessed value of oil and gas is calculated at 87.5% of actual value. The production of carbon dioxide gas (CO<sub>2</sub>), which has been the primary source of oil and gas revenue, has remained stable at around 200 million mcf per year. What has accounted for the revenue drop, is the fact that the production value has dropped to approximately one-third of its 1992 peak value.

**Figure 11-C**



Having established the fact that gains in "real property" tax revenues have been more than offset by losses in oil and gas tax revenues, the next question is:

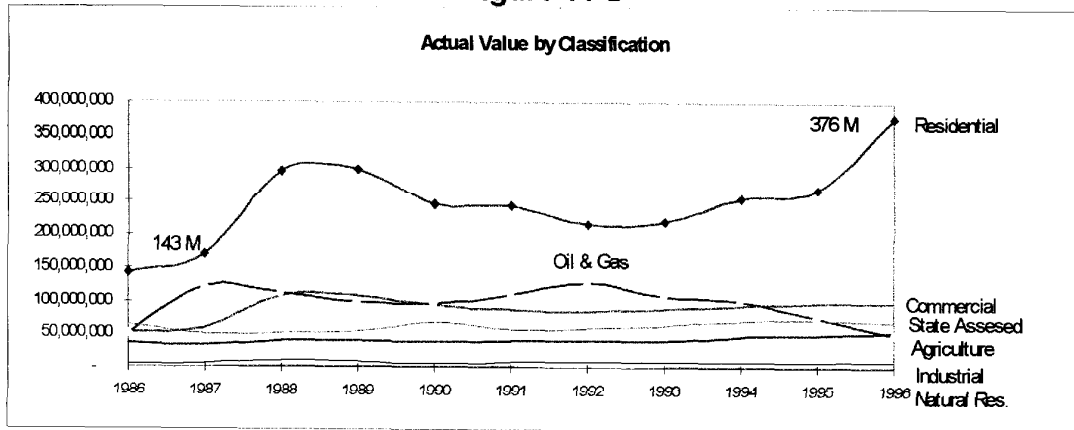
"Why hasn't all the new residential property going on the tax roles done more to off-set the loss in oil and gas revenues?"

Figure 11-D illustrates the growth in the actual value of residential property which has more than doubled from \$143 million dollars in 1986 to \$376 million dollars in 1996. The sharp increase from 1995 to 1996 reflects recent residential growth. Figure 11-E shows the assessed valuation of various types of property. Clearly assessed valuation has risen very slightly, when compared to the substantial increase in actual value. This raises the next question:

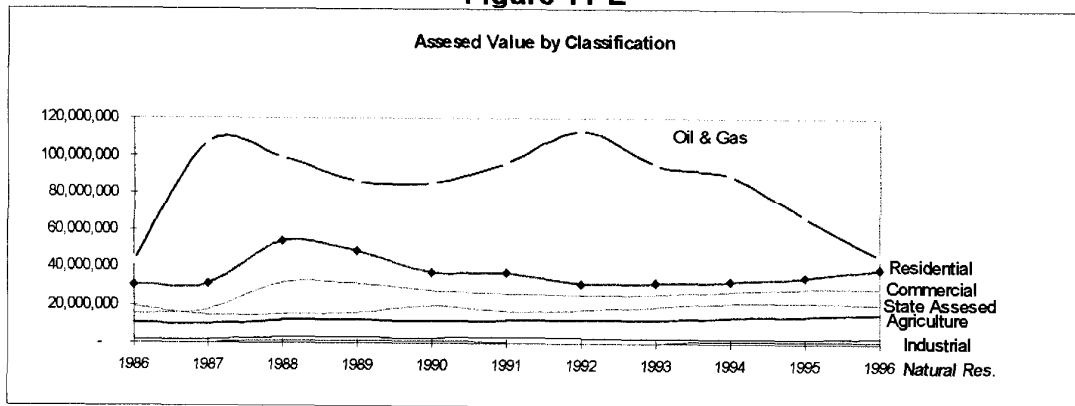
"With all of the increase in the actual value of residential property, why hasn't assessed value increased accordingly?"

The answer to this question is in Figure 11-F which presents the fact that "assessment ratios" (which determine that percentage of actual value to which the mil levy is applied) are held constant at 29% for commercial and industrial property and 87.5% for oil and gas. As a result, property taxes in these categories rise and fall proportionately with actual value. By contrast, as Figure 11-F illustrates, the assessment ratio for residential property has dropped from 21% in 1986 to 10.35% in 1996. The drop in assessment ratio will be explained following Figure 11-F.

**Figure 11-D**

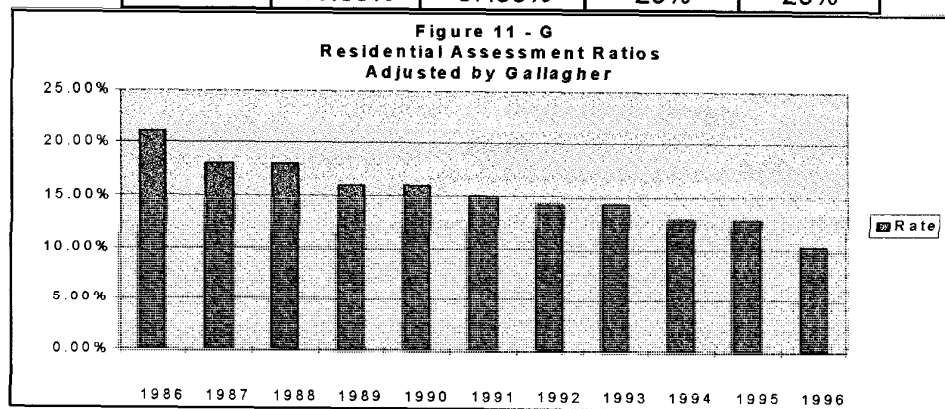


**Figure 11-E**



**Figure 11-F**

Year	Residential Rate	Oil & Gas Rate	Commercial Rate	Industrial Rate
1986	21.00%	87.50%	29%	29%
1996	10.36%	87.50%	29%	29%



The change in residential property tax assessment ratios, illustrated in Figure 11-F is the result of a constitutional amendment known as the "Gallagher Amendment." The Gallagher Amendment requires that residential property not exceed 45% of the total property tax base. This ratio is set on a state-wide basis. The more the relative value of residential property has grown in Colorado, the lower the assessment ratio for residential property has dropped.

Under the Gallagher Amendment, when the County grows slower than the State as a whole, residential property tax revenues decline. When the County grows faster than the State, as a whole, proportionate revenue gains result. The gains in residential property tax revenues in 1994 and 1995, that the above Figures illustrate, reflect the fact that Montezuma County was growing faster than Colorado as a whole. Unfortunately, as Figure 11-C illustrates, these gains were not enough to off-set losses in oil and gas revenues, resulting from the decline in CO2 valuation.

## **Law Enforcement and Emergency Services**

As Table 11-A and Figure 11-G indicate, Rural Sheriff Reports increased by a total of 60% between 1990 and 1995. "Sheriff Reports" measure incidents that are serious enough to require the filing of a report. During the same period Fire and Rescue Calls increased by a total of 111%. By contrast, the number of rural homes increased by a total of 17%. In summary, Sheriff Reports grew at over three times the rate of new rural homes while Fire and Rescue Calls grew at over six times the rate.

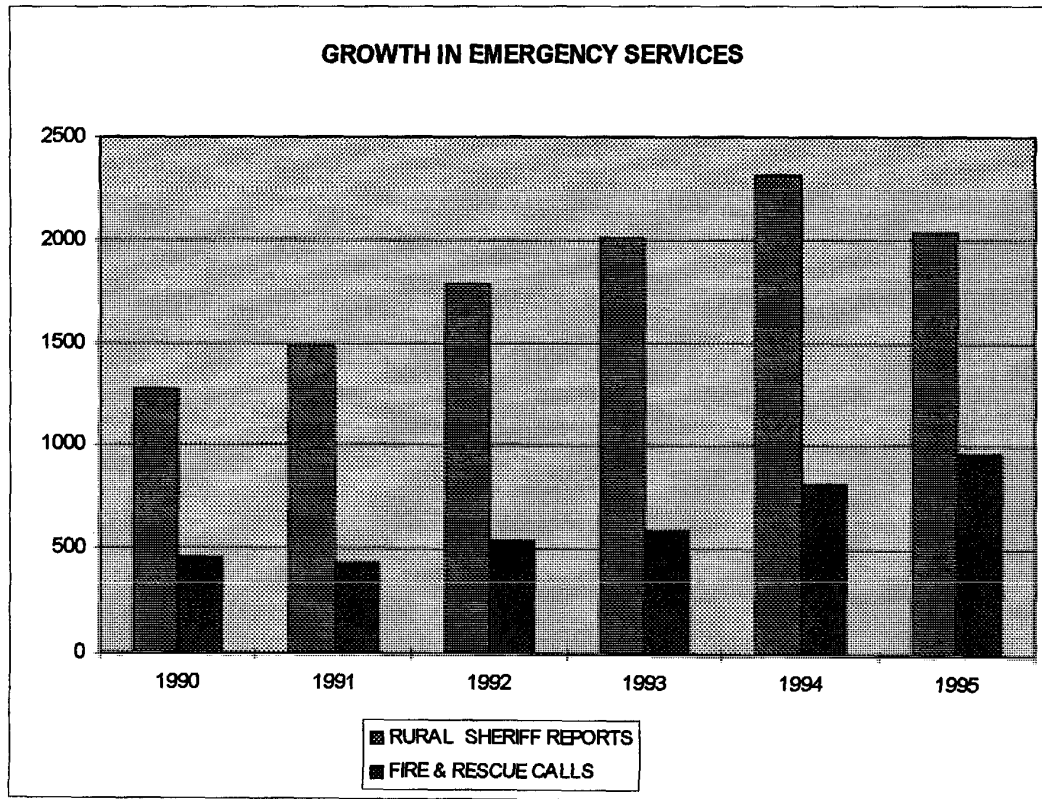
**Table 11-A**  
**1990-95 Growth in the Demand for Emergency Services**  
**as Compared to New Rural Homes**

YEAR	ESTIMATED TOTAL RURAL HOMES	CHANGE IN # OF HOMES SINCE 1990	RURAL SHERIFF REPORTS	CHANGE IN # OF REP. SINCE 1990	FIRE & RESCUE CALLS	CHANGE IN # OF CALLS SINCE 1990
1990	4484	0%	1270	0%	454	0%
1991	4579	2%	1481	17%	427	-6%
1992	4672	4%	1785	41%	538	19%
1993	4847	8%	2004	58%	589	30%
1994	5072	13%	2312	82%	807	78%
1995	5225	17%	2032	60%	960	111%

**Source: Statistics compiled from source agencies by Harris Engineering**

From these statistics, it is obvious that the added demand for services, is not solely attributable to growth. What can be said, is that increasing demand for these services, coupled with flat or declining budgets, is making it difficult to deal with the added demands of growth.

**Figure 11-G**  
**1990-95 Growth in the Demand for Emergency Services**



Source: Table 11-A

## Utility Infrastructure

During the Summer of 1995 meetings were held, which brought together many of the utility providers in Montezuma County and the Working Group. They discussed the current status, future capacity, and key planning issues with regard to growth in the rural County. The tables which follow present information gathered from these discussions, combined with follow-up contacts.

**Domestic Rural Water.** Since the quality of groundwater is poor in much of Montezuma County, the rural providers of potable water have played a determinato role in opening rural areas up for development. Table 11-B summarizes information that has been gathered from major water providers. This Table includes the City of Cortez which has the capacity to serve water to surrounding urbanizing areas.



**Table 11-B**  
**Montezuma County Rural Water Providers:**  
**Current Customers, Future Growth Potential and Limiting Factors**

<b>WATER COMPANY</b>	<b>CURRENT CUSTOMERS</b>	<b>FUTURE GROWTH</b>	<b>LIMITING FACTORS</b>
MONTEZUMA WATER COMPANY	3,000	COULD SERVE 12,000 HOUSEHOLDS, DEPENDING ON EXTENT OF SALES TO OTHER PROVIDERS.	1. LINE SIZE LIMITATIONS IN SOME AREAS 2. TREATMENT CAPACITY
SUMMIT RIDGE WATER COMPANY	400 (250 ACTIVE) (150 INACTIVE)	DEPENDS ON HOW MUCH WATER CAN BE OBTAINED FROM MONTEZUMA WATER COMPANY	1. SYSTEM ENGINEERED FOR 500-600 TAPS MAX. 2. DO NOT HAVE TREATMENT CAPABILITY 3. RELY ON MWC
MANCOS RURAL WATER COMPANY	372	150 MORE TAPS AVAILABLE W/ NEW TREATMENT PLANT	1. TREATMENT CAPACITY 2. LINE SIZES
DOLORES WATER CONSERVANCY DISTRICT	60 DOMESTIC WATER CUSTOMERS	5000 AC FT AVAILABLE TO BE SOLD FOR DOMESTIC/ INDUSTRIAL USES	1. MUST BE TREATED BY ANOTHER ENTITY OR SOLD FOR IRRIGATION ONLY
CITY OF CORTEZ	2,400 RESIDENTIAL TAPS 400 - 500 COMMERCIAL TAPS	WATER RIGHTS FOR 15,000 RESIDENTS TREATMENT CAPACITY FOR 10,700 RESIDENTS	1. HAVE REACHED PEAK DEMAND OF 84% OF TREATMENT CAPACITY.

As Table 11-B indicates, the growth capacity of rural water providers hinges on a combination of water rights, treatment capacity, and the location and size of delivery lines. These capacities need to be considered in the context of projected growth of 5,000 rural households in the 25 years between 1995 and 2020. The following interpretations can be drawn from Table 8-B

1. **Montezuma Water Company**, which currently serves 3,000 households has water rights to serve an additional 9,000 households, which would meet projected rural growth needs for the next 35 to 40 years, provided that the necessary treatment plant and water line expansions can be accomplished.
2. **Summit Ridge Water Company** is currently getting it's water supply from Montezuma Water Company. The Summit Ridge system is engineered to handle between 500 and 600 taps. 400 taps have already been sold, and 250 of these are active. Expansion beyond 600 taps would require expanding water delivery lines and acquiring additional water from Montezuma Water Company.
3. **Mancos Rural Water Company** serves 372 taps. A new treatment plant is being constructed and water lines are being expanded to serve an additional 150 taps, all of which have been sold. It is possible that additional households could be served, by buying treated water from Montezuma Water Company and delivering it through Summit Ridge Water Company.

4. **Dolores Water Conservancy District** has 62 domestic water taps. The District has 5,000 acre feet of municipal/industrial water that can be acquired by any of the other water treating and serving entities. The 5,000 acre feet would serve about 3,000 rural customers.
5. **The City of Cortez** has water rights to nearly double their population to 15,000 people with treatment capacity to serve 10,700 residents. These water rights are adequate to easily meet projected growth to the year 2020. The City also has the capacity to serve growth in surrounding areas that may, at some point, be annexed. These areas are currently being served, for the most part, by Montezuma Water Company.

**Centralized Sewer Systems.** The three major centralized sanitation systems in Montezuma County were developed to serve the three Towns. The Towns of Mancos and Dolores continue to operate their systems, and offer limited sewer service in the urbanizing areas on their boundaries.

Cortez is served by the Cortez Sanitation District, which operates as a special district and extends service to areas outside of the Cortez City Limits. The Sanitation District is nearing the limits of their treatment capacity. Expanded treatment capacity, coupled with the necessary line extensions requires customers concentrated at high enough densities to pay for the necessary investments. Serving areas that are not above a treatment plant, in elevation, requires the additional expense of pumping stations.

The data available on the sanitation systems is summarized in Table 11-C below:

**Table 11-C**  
**Montezuma County Major Sanitation Facilities**  
**Current Customers, Future Growth Potential and Limiting Factors**

SANITATION	CURRENT CUSTOMERS	FUTURE GROWTH	LIMITING FACTORS
CORTEZ SANITATION	2,735 ACTIVE	10% BEFORE REVIEW BY STATE HEALTH DEPT. 20% MUST BUILD NEW FACILITIES	1. TREATMENT CAPACITIES 2. SERVICE AREA
TOWN OF MANCOS	404 ACTIVE	RECENT UPGRADE ON PLANT SHOULD PROVIDE CAPACITIES FOR TEN YEARS GROWTH	PLENTY OF GROWING ROOM
TOWN OF DOLORES	425	STUDY BEING CONSIDERED TO ADDRESS CONCERNS ABOUT EXPANSION	SERVICE AREA

There are also a few free standing sewage treatment plants, mostly associated with mobile home parks. Such facilities need to be closely monitored to make sure that they are not a threat to water quality and the public health. Proposals for new sewage facilities need to be carefully evaluated and considered.

**ISDS “Septic Systems”.** The vast majority of rural households in Montezuma County use ISDS (“Individual Sewage Disposal Systems”) commonly known as “septic systems.” The three acre minimum lot size was established to provide adequate room for tank and leach field septic systems. There are, however, some soils where three acres is more than enough area, and other areas where 3 acres is not enough. There are also new ISDS technologies that affect ISDS capacity in a given soil type.

ISDS options need to be evaluated as they apply to lot size and soil types, so that criteria can be developed, to protect the public health. Prospective lot buyers need a better indication of what ISDS technology is likely to be required on a given lot, so that the wide range of costs, for these technologies, can be taken into account. The cluster development incentives in this plan allow for the possibility of lots less than three acres. Criteria are needed for evaluating cluster proposals.

**The Sanitary Landfill.** Montezuma County has made a substantial investment in bringing the landfill up to Environmental Protection Agency “Subtitle D” standards. Improvements involve lined cells, and groundwater monitoring facilities. A compactor has been installed to maximize the amount of trash, that can be stored in each cell, in a cost-effective manner.

Many counties, such as neighboring La Plata County, do not have an operating landfill, and are “transferring” solid waste to areas that do. There are also urban areas, throughout the country, looking for places to dump massive amounts of waste. Solid waste disposal has become a big business, with lots of powerful players, looking for complaint landfill facilities. Subtitle D compliance has increased the cost of legal dumping and, thereby, increased the incentive for illegal dumping, as well as, legal and illegal, private landfills. Montezuma County plans to take enough out-of-county trash, to finance the improvements made at the landfill. At the same time, the County plans to avoid taking trash in amounts, that would swamp the capacity, and shorten the life, during which the landfill can serve the needs of County residents.

Recommendations are made at the end of this Chapter, for development of a plan to regulate solid waste. The plan will address the transportation and disposal of waste, as well as measures to encourage solid waste diversion through recycling, composting, and other means.

**Water Quality Monitoring.** The cumulative impact of septic systems near rivers and in large scale, small lot, subdivisions, increases the need to monitor water quality. The impacts of solid waste disposal also raise water quality issues. This plan recommends a careful review of water quality monitoring on the Dolores River, McPhee Reservoir, the Mancos River, McElmo Creek and other key watershed resources.

Table 11-D summarizes data available on electrical, natural gas and telephone services:

**Table 11-D**  
**Electrical, Natural Gas and Telephone Service in Montezuma County**  
**Current Customers, Future Growth Potential and Limiting Factors**

OTHER SERVICE PROVIDERS	CURRENT CUSTOMERS	FUTURE GROWTH	LIMITING FACTORS
EMPIRE ELECTRIC	3,000+ RURAL RESIDENTIAL METERS 400 NEW CUSTOMERS PER YEAR	COULD DOUBLE, TRIPLE IF NEW MAIN LINE CONSTRUCTION	
GREELEY GAS	3611	NO SUPPLY PROBLEM	ONLY FEASIBLE TO SERVE CONCENTRATED DEVELOPMENT
PTI	1730	UP TO 15,000	
FARMERS PHONE CO.	330	COULD SERVE SURROUNDING TOWNS	

**Electrical power** is available, and expandable, based on policies that require new growth to pay its way. A lack of predictability, as to where growth is going to occur, does complicate the planning and prioritizing of main line and substation expansion and development.

**Natural Gas**, like sewer service, does require concentrated development to cover the cost of extending gas lines. As a result, this service is offered in the towns and along pipeline corridors connecting the towns.

**Telephone Service.** PTI and Farmers Telephone are providing single party lines to their service areas. They have also made good progress at installing fiber-optic cable. Both companies have expansion capability. No information has been made available by U.S. West.

## County Roads

County Roads was the infrastructure issue that received the most frequent comment in the public meetings concerning the formulation of this plan. The simple fact is, there are extensive road improvement needs and very limited revenues to address these needs.

A County Road Improvement Plan has been developed, which provides a thorough analysis of issues, needs, and strategies. This section will summarize the essential elements of the Road Improvement Plan including:

- The establishment of a scientific traffic counting program as a tool in setting priorities,
- An evaluation of currently available county road revenues,

- Policies and revenues needed to slow the deterioration of county road conditions, and to expand county road capacities to meet the demands of growth.

## Road Improvement Priorities

Given the revenue limitations, discussed below, there is a need to direct available resources to those roads, which are heavily used, and significantly over-capacity. It must also be recognized that, as growth and development continue, there will be a need to adjust priorities to accommodate changing traffic patterns.

In order to provide an objective basis for road improvement priorities, a traffic count system has been implemented. The system involves the placing of traffic counters at selected locations, for a one week period, during each of the four seasons. Initial locations were chosen based on Road Department observations, concerning which roads were deteriorating, as a result of high traffic levels. When weekly traffic patterns have been established for all four seasons, counts can be updated from two day seasonal counts. Two day counts at initial locations will allow for additional traffic count locations.

Table 11-E summarizes traffic counts that have been taken, the seasonal average daily count, and the type and number of miles of upgrades needed to improve road capacities.

**Table 11-E**  
**County Road Improvement Priorities Based on Seasonal Traffic Counts**

[illegible]

Road segments needing improvement, are prioritized based on the counts that have been taken to date. As additional counts are taken, priorities will be adjusted based on traffic volumes, road capacities and safety considerations.

## Road Department Revenue Sources and Trends

Figure 11-H presents County Road Department revenue sources, per registered vehicle, in Montezuma County. Average revenue per vehicle in 1995 was about \$75 with roughly \$45 from Highway Users Taxes collected at the gas pump, \$15 from property taxes, \$5 in ownership tax and registration fees, and \$10 in supplemental revenue.

**Figure 11-H**

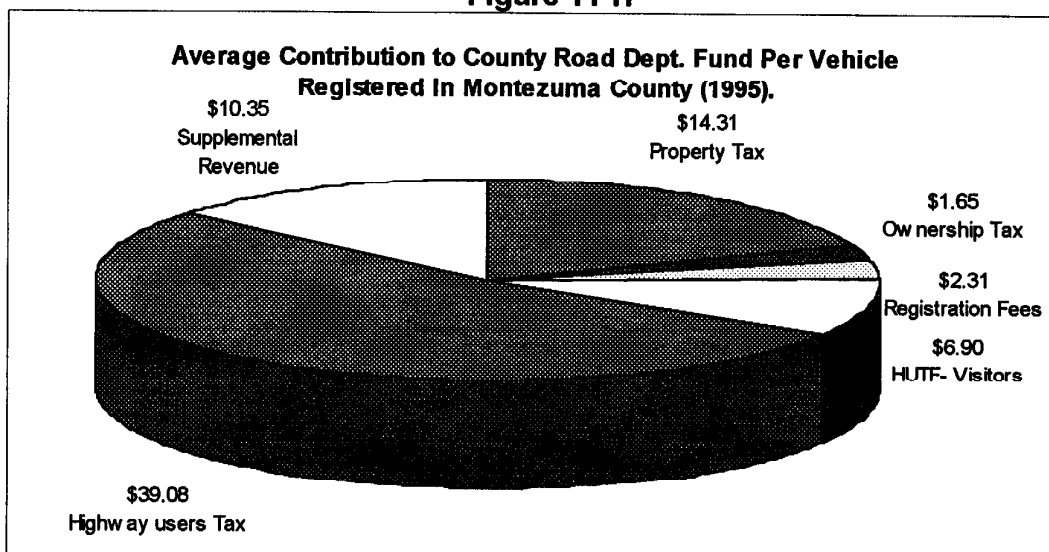


Table 11-F presents Road Department revenue trends by comparing 1992 and 1996. These trends are illustrated in Figure 11-I

**Table 11-F**  
**Montezuma County Road Department Revenues by Source:**  
**Comparing 1992 and 1996**

Revenue Source	1992	% of 1992 Total	1996	% of 1996 Total	% Change 1992-96
Property Tax	498,538	23%	293,701	15%	-41%
Highway Users Tax	1,130,346	53%	1,100,000	56%	-3%
Other Revenues	511,305	24%	574,000	29%	12%
Total	2,140,189	100%	1,967,701	100%	-8%

As Figure 11-I illustrates, between 1992 and 1996:

- **Highway Users Tax** has remained nearly constant,
- **Property Tax** revenues to the Road Department have declined sharply,
- **Supplemental Revenue** (such as Mineral Leasing Funds, and Payments in Lieu of Taxes) have been added to the Road Department budget to make up the property tax shortfall.
- **Total Revenue** has declined 8% in spite of adding supplemental revenue to the road department budget.

**Figure 11-I**

**Montezuma County Road Department Revenues:  
Comparing 1992 to 1996**

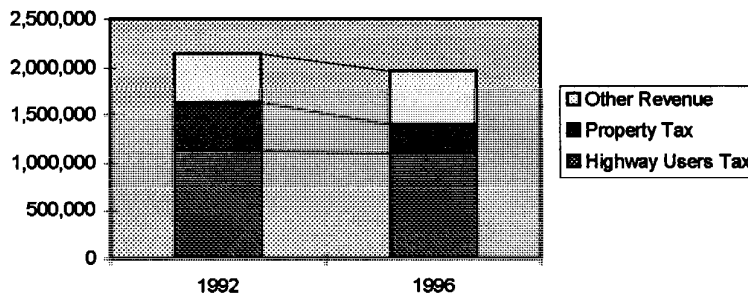


Figure 11-J illustrates the reason for the sharp decreases in property tax revenue to the Road Department.

**Figure 11-J**

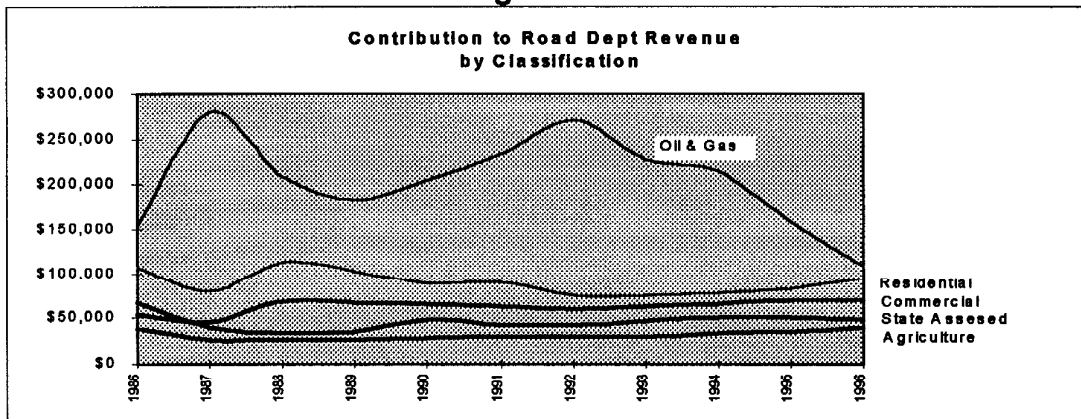


Figure 11-J is consistent with County revenue picture in general. There has been some increase in revenues from residential development, which has been more than wiped out, by the decline in oil and gas revenues.

## **Growing Road Impacts in an Era of Declining Revenues**

Having developed a system for identifying and prioritizing needed County Road improvements; and having analyzed the declining revenue picture; there is a need to consider the long term ramifications and alternatives for addressing road maintenance and improvement needs.

The \$1.95 million dollars, currently available to the Road Department, is enough to resurface, highly used gravel or chipseal County roads, an average of every twelve years. This is in sharp contrast to the past goal of resurfacing on an average of every five years, when growth was slow and revenues were more plentiful. The fact that roads have not deteriorated even faster, than has become apparent, is related to the fact that little money is being spent on equipment replacement. As equipment replacement becomes unavoidable, road deterioration will escalate.

In addition to pushing the resurfacing cycle from 5 years to 12 years, budgetary limitations allow for almost no road capacity expansion to accommodate the rural residential growth that has been, and is, taking place.

Between 1993 and 1996 the County Road Department was reduced from 44 to 30 employees, in response to the decline in revenue. The County is evaluating the efficiency of Road Department operations, in an attempt to get additional productivity from available revenues. While some additional gains in productivity may result, additional revenues will still be required to meet road plan goals.

If the County Road budget could be expanded from \$2 million to \$3 million dollars per year, the resurfacing cycle could be shortened from an average of every 12 years to an average of every eight years. Additionally, a limited number of road capacity expansion projects, could be undertaken to accommodate growth.

In an initial attempt to move Road Department revenues from \$2 million to \$3 million dollars per year, the County Commissioners have implemented a road impact fee, and are planning to earmark a portion of a proposed county-wide sales tax for roads. The plan is to use the impact fees for capacity expansion work related to growth, and to use sales tax revenues to shorten the resurfacing cycle.

**Road Impact Fees.** The current policy is to charge an impact fee on newly subdivided lots. The fees are \$800 per lot, plus \$50 dollars per mile to the nearest state highway. Depending on the level of growth, this fee will generate



about one third of the revenue needed per year, to meet capacity expansion goals, for accommodating the added demands of growth.

**1% County-Wide Sales Tax.** Montezuma County has no sales tax revenue. A 1% sales tax is being proposed. Earmarking about 50% of the new revenue for roads, would finance the shortening of the resurfacing cycle from 12 years to 8 years.

In summary, it is unlikely that the combination of impact fees and the passage of a sales tax, will generate the full \$1 million dollars needed to meet County Road Plan goals. However, these additional revenues, coupled with ongoing efforts to improve the efficiency of the Road Department, can result in major strides towards reducing the deterioration of county road conditions, that have resulted from the combination of reduced revenues and rural growth. On-going traffic counts will provide a tool for allocating available revenues to the most critically needed improvements.

## **Summary of Major Issues Related to Infrastructure, Services and the Costs of Growth**

1. Utilities are being developed and expanded in, or adjacent to, County Road right-of-ways. Locating and avoiding other utilities in the right-of-way is difficult, and often leads to expensive damage, delays and inconvenience. Cutting fiber optic telecommunications cable is one of the more expensive, and disruptive, examples.
2. In many cases county road right-of-ways are inadequate, given variations in width, ownership and residential encroachment. In addition to utility conflicts, inadequate road right-of-ways create problems, in road maintenance and improvement.
3. As subdivisions proliferate, in all parts of the County, it has become time and cost prohibitive to plow snow, deliver mail and do school bus pick-ups on internal subdivision roads. This can be a difficult adjustment for residents that are used to urban services.
4. Many of the new homes are located in wooded and brushy areas. This increases the chances of home loss due to wildfire.
5. Rural water systems are not designed to provide flows for fighting fires. This makes the location and development of emergency water sources a critical challenge.
6. As the County Road system becomes increasingly complex and fragmented, the county addressing system and dispatch support become more difficult to work with in emergency circumstances.
7. If local dispatch services are lost, the problems outlined in #4-#6 above become even more critical. While maintaining a local dispatch capability after the Department of Transportation pulls out is desirable, and perhaps essential, it will be very expensive.
8. Roads, utilities and services that depend on property tax revenues are increasingly at risk to deterioration in quality, given the current revenue picture.

## **Planning Goals: Infrastructure Services and the Costs of Growth**

1. Improve coordination among utility providers in regard to utility positioning, mapping, locating, repair and expansion within County road right-of-ways.
2. Develop policies, and provide information, regarding realistic expectations concerning services such as school bus pick-up points, snow plowing and mail delivery points, in newly created subdivisions.
3. Address risk and response issues, with regard to fire protection and emergency services, including dispatch and addressing systems, water sources, and risk reduction on the part of property owners.
4. Address revenue and cost of growth issues, with regard to County roads and services that are dependent of property tax revenues.

## **Policy Recommendations: Infrastructure, Services and the Costs of Growth**

1. **Improved coordination among utility providers.** It is recommended that:
  - a) The county continue to promote efforts to improve coordination, among utility providers, that use county road or platted right-of-ways.
  - b) A recommended pattern should be established, for the way utilities are placed, in road right-of-ways and utility easements.
  - c) An integrated system for mapping utility placements, should be pursued on an ongoing basis.
  - d) The process for notifying other utilities, prior to maintenance or construction activities, should be strengthened.
  - e) County road right-of-ways should be standardized as opportunities permit.
2. **Services to rural subdivisions.** It is recommended that:
  - a) When subdivisions are going through the review process, utility and service providers should be notified as early as possible.
  - b) Service providers should have input in the planning process with regard to key issues, such as school bus pick-up points, mail delivery points, water sources for fire fighting, etc. Once agreement is reached on such matters, a mechanism is needed for communicating resulting policies to developers and lot purchasers.
  - c) Property owners should be advised as to essential precautions, in regard to fire breaks, clearly visible addresses, and road access for fire fighting and other emergency service equipment.
3. **Sewage and Water Quality.** It is recommended that the interrelated issues of sanitary sewage disposal and water quality be carefully evaluated, to insure protection of the public health, including:
  - a) A review of standards for Individual Sewage Disposal Systems (septic systems) to match ISDS technologies, with appropriate minimum lot sizes and construction standards.
  - b) Criteria for evaluating the cumulative impact of septic systems in large scale subdivisions.
  - c) Criteria for determining when higher density developments should be connected to a centralized sewage system.
  - d) Plat notes notifying lot buyers when non-conventional ISDS systems are likely to be required.
  - e) Review of water quality monitoring in critical areas such as the Dolores River, McPhee Reservoir, Mancos River and McElmo Creek.

4. **Solid Waste Disposal.** It is recommended that a county solid waste management plan be developed, to manage solid waste disposal activities, within the Montezuma County, including:
  - a) The transportation and disposal of solid waste,
  - b) The transportation and disposal of hazardous waste,
  - c) The flow of waste into, through, and within Montezuma County
  - d) Illegal dumping and littering,
  - e) Policies to encourage recycling, composting and other methods of waste diversion, and
  - f) The opportunity for public review and input on the plan.
5. **Addressing and Dispatch Capability.** It is recommended that:
  - a) Efforts be undertaken to improve and clarify the county addressing system, to make it easier to locate particular properties in both routine and emergency circumstances.
  - b) Efforts should be undertaken to retain local dispatch capability.
  - c) Efforts should continue, to improve the integration of addressing and dispatch systems.
6. **Wildfire Risks In Wooded Areas.** It is recommended that discussions be undertaken with local fire districts, landowners, the State Forest Service, the San Juan National Forest and BLM Resource Area to explore opportunities to work cooperatively in addressing the issue of wildfire risks in wooded areas experiencing residential development, including those areas on, or adjacent to, public lands. Such discussions should address the roles and policies of the various entities regarding emergency fire suppression; as well as coordinated efforts to reduce fuels through thinning, controlled burns and other measures.
7. **County Roads** It is recommended that:
  - a) A ten year Road Development and Improvement Plan be adopted and supported by the following policies:
  - b) The traffic count program, that is in place, will be used to set and update county-wide road improvement priorities listed in the Plan. (See attachment)
  - c) Road impact fees should be applied to improvements of county roads, that will be directly impacted by a proposed subdivision or development, or to the road on the county-wide road improvement priority list, most likely to be impacted by the proposed subdivision or development.
  - d) That percentage of any county-wide sales tax, approved by the voters of Montezuma County, and earmarked for roads, will be used to improve the maintenance, and capacity, of roads on the county-wide road improvement priority list.
  - e) Any and all policies and/or revenue sources to close the gap between revenue, and the need to improve and expand the county road systems, should be explored.



## **Chapter Twelve**

### **The Federal Lands in Montezuma County**

#### **Overview**

Only 30% of the 1.3 million acres in Montezuma County is in private ownership. The remaining 70% is under Federal management including 33% Ute Mountain Ute Tribal land, 19% National Forest land, 14% BLM land, 4% National Park land and 1% other public land (See Figure 12-C and Table 12-B on page 12-14).

Recognizing the importance of the federal lands to the economy, traditions, and future of the County, the Commissioners initiated the Montezuma County Federal Lands Program in February of 1992 to facilitate meaningful community-based involvement in federal land policy, planning and decision making.

This Chapter will place the goals and initiatives of Montezuma County Federal Lands Program into the framework of the Comprehensive Plan. This Chapter will also bring into focus the issues and recommendations that have emerged from Working Group deliberations and public input into the Comprehensive Plan.

The balance of this Chapter will present:

- Policy Statement on Multiple Use,
- Examples of Local-Federal Cooperation:
  - The Ponderosa Pine Partnership
  - The San Juan Forest Plan Revision,
  - Federal Grazing Permits, Ag Viability and Open Space
- Other Land Management Agencies:
  - Bureau of Land Management (BLM)
  - National Park Service
  - Bureau of Reclamation
- Archaeological Resources: Local Coordination and Involvement
- Legal authorities for initiatives of the Montezuma County Federal Lands Program
- Summary of Major Issues
- Planning Goals
- Policy Recommendations

## **Policy Statement on Multiple Use**

It is the policy of the Montezuma County Commissioners to pursue active involvement in the planning, decision making, and management processes of the federal land management agencies, that manage land within the boundaries of Montezuma County. This policy includes the following elements:

1. **Multiple Use.** The County strongly supports the, long established, policy of multiple use on Federal lands including: livestock grazing, timber harvesting, mining, energy development, water resource development, recreation, hunting and the preservation of the scenic, historic and biological resources for future generations. The policy of the County is to support the continuation and coexistence of multiple uses on federal lands.
2. **Economic Diversity.** The County recognizes that virtually all sectors of the local economy, depend on the multiple use of Federal lands. Key sectors include, the livestock industry, agricultural and municipal/industrial water users, the timber industry, the mining industry, the oil and gas industry, the tourism, recreation and hunting industries, and the environmental and archeological research and education industries. The policy of the County, is to keep all of these industries viable, and to seek compatibility among these various uses of the federal lands.
3. **Quality of Life.** The County recognizes that, beyond their essential economic contribution, the Federal lands are a critical element in the local quality of life, serving as: a scenic backdrop; a source of solitude and open space; a setting for recreational activities; a source of water, firewood, building materials and food; support for a wealth of plant and animal life; and a living repository of the heritage and traditions of the people of Montezuma County. The policy of the County is the sustain these qualities.
4. **Heritage and Culture.** While recognizing the importance of recreation and resource protection, Montezuma County places the highest priority on the continuation of traditional and historic uses such as grazing, timber harvesting, mining and energy development. These activities on public land are directly tied to the heritage and culture of Montezuma County. In an era when family wage jobs are being displaced, and the working class roots of Montezuma County are at risk, the natural resource economies, that depend on Federal land, are vital to the preservation of Montezuma County as a working class community.
5. **Healthy and Productive Landscapes.** Montezuma County recognizes that local communities have shaped and continue to play a stewardship role in maintaining the landscapes that attract visitors and residents to Montezuma County. Federal and private lands function together to support healthy forests, grasslands and wildlife populations. Wildlife populations depend on water development, forage and open space provided by farmers and ranchers. The restoration of overstocked forests, at high risk for wildfire, depend on selective harvesting of commercial wood products. As the inevitable growth in local population and visitor usage of federal land continues, it is the policy of Montezuma County to strengthen the linkages between healthy landscapes and the stewardship provided by healthy natural resource industries.

6. **Community Stewardship.** Montezuma County recognizes that those people that are closest to the land, have the incentive and the knowledge to care for the land. The policy of Montezuma County is to strengthen meaningful relationships between land managers and land users, in order to improve the health and productivity of the federal lands.
7. **Overcoming Gridlock with Collaborative Problem Solving.** While local people have a major stake in the future management of Federal lands, it is recognized that these lands belong, also to the people of the United States. The policy of the county is to seek active community participation in the federal lands. Local participation must be combined with open communication, with those from outside of the community, who value and use the Federal lands. Given the declining availability of federal funding to manage federal lands, the policy of the County is to support efforts which minimize the resources tied up in non-productive conflict, and utilize all available resources in collaborative efforts that support of the above policies.

### **The Montezuma County Federal Lands Program: Examples of Local-Federal Cooperation**

The legal authorities and the Montezuma County Multiple-Use Policy, as outlined above, have been met with good faith efforts, at cooperation and coordination, on the part of the San Juan National Forest and the San Juan Resource Area of the Bureau of Land Management. This plan proposes to continue, and build upon, these collaborative efforts with the Forest Service and BLM. The Plan also recommends pursuing similar collaboration, with other Federal agencies that are active in Montezuma County such as the National Park Service, the Bureau of Reclamation, the Fish and Wildlife Service, and the Environmental Protection Agency (see Chapter Thirteen).

Three examples of collaborative partnerships are presented below:

#### **Ponderosa Pine Forest Partnership:**

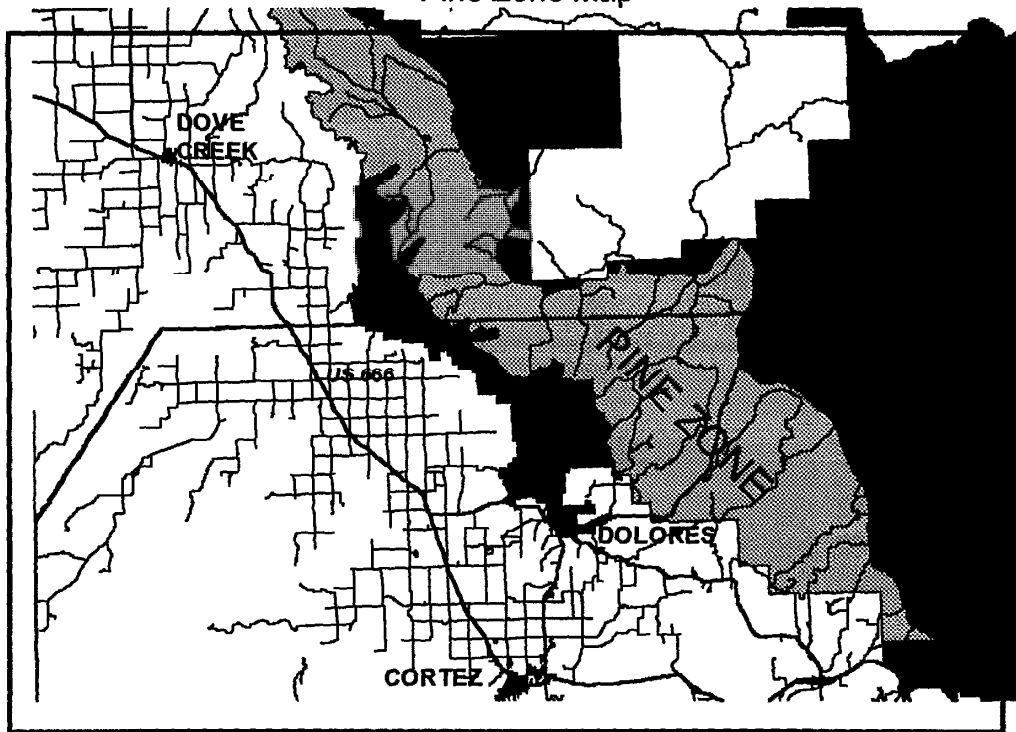
This initiative addresses the interrelated goals of:

- Sustaining the local timber industry,
- Improving the health, productivity, forage and habitat diversity of Ponderosa Pine forests,
- Financing ecological restoration through the sale of commercial products.
- Reducing the risks of pine beetle die-off and catastrophic fire, and
- Using collaboration among federal, state, and local governments; working with businesses, scientists and forest health advocates; to replace gridlock with constructive action, and to meet essential economic, administrative and ecological goals.

A Map of the 225,000 acres of National Forest land being evaluated as a result of the Pine Partnership is presented as Figure 12-A.



Figure 12-A  
Pine Zone Map



The study area, presented in Figure 12-A, can be characterized as “overstocked stands” of Ponderosa Pine. After initial clear-cutting, early this century, pine stands regenerated in a pattern so thick, that trees don’t have room to grow, and are under increasing stress. When Ponderosa Pines are stressed, they are at risk to be invaded by the mountain pine beetle, which can kill large areas of the forest, leaving dead trees at high risk for the catastrophic fires. Natural fires, that would have “thinned” these stands, have been suppressed. As a result, “ground litter” has built up, and trees have become so dense that catastrophic fires can result with, or without, a pine beetle infestation. It is these conditions that have resulted in many of the catastrophic fires that have burned in the West during the Spring and Summer of 1996.

An ecologist from Fort Lewis College, commissioned to study local pine forests, used old stumps and photos to conclude that Ponderosa Pine stands, under natural conditions, included an average of 50 trees per acre, in clumps, with substantial “openings.” Natural fire ran through these “pre-European” forests an average of every 10 to 15 years. Today these forests have densities of 300 to 400 trees per acre, with very few openings. Ground fuels have built up to very dangerous levels. Fire needs to be re-introduced, but this will require major thinning, which requires the participation of the timber industry.

While Ponderosa Pine ecology was being brought into focus, timber industry sustainability, was recognized as a major priority. The local industry has suffered, in recent years, from a lack of predictable supply of National Forest timber, coupled with sawtimber prices that were too high for the size of trees that were being marked for cutting. In large measure, lack of supply and high prices were being driven by environmental appeals and litigation. The Ponderosa Pine Forest Partnership is built upon the following changes in past strategies and relationships:

- In order to conduct timber harvests that improve forest health, industry and environmental representatives have stepped back from historic adversarial positions to consider the scientific analysis.
- The scientific analysis requires a whole new approach to laying out Ponderosa Pine timber sales that leaves larger trees, in clumped pattern, while taking out the majority of the smaller trees.
- The predominance of small diameter harvesting, requires industry adaptation to new harvesting, processing, product development and marketing methods.
- The higher costs and reduced economic returns, from small diameter pine, requires that the pricing structure be modified to make thinning economically viable.
- Once pine stands are thinned, fire is being re-introduced, requiring local residents to adapt to the smoke that will be produced when "controlled burns" are ignited.
- Thinned pine stands will increase forage and diversity of wildlife habitat; but will also reduce "hiding cover" for big game species. This will require a fresh look at livestock and game management in these areas.
- All of these adaptations will require careful monitoring and adjustment of strategies to incorporate new learning.

To the extent that these adaptations are successful, local Ponderosa Pine Forests will be healthier and more diverse, fire risk will be reduced, and the long term viability of the timber industry will be more secure.

In the Summer of 1995, a pilot project was initiated on 400 acres on the San Juan National Forest and 100 acres of adjacent private land. The pilot includes ecological and production studies, in which the Ponderosa Pine Partners have played the following roles:

- **Montezuma County** successfully competed for Rural Community Assistance funds that financed initial ecological research and the organization of industry production studies. The County purchased a pilot timber sale, which is being harvested by local timber businesses.
- **The Colorado Timber Industry Association** organized industry participation in the pilot project, and is cooperating with local timber businesses in the production studies.
- **Fort Lewis College** has provided project coordination through the Office of Community Services, and is conducting ecological studies and monitoring through the Biology Department.

- **The U.S. Forest Service** has provided funding to the project through the Rural Community Assistance Program, and has cooperated in implementing and administering the pilot project on the San Juan Forest.
- **The CSU Department of Forestry** is providing design and oversight of the production studies and is working on product development initiatives.
- **The Colorado State and Private Forestry Program** has overseen pilot activities on private land.

The pilot project is the first step towards the long term objectives of the Ponderosa Pine Partnership which include:

- Establishing a long-term Pine Zone thinning cycle, with predictable annually supply levels,
- Developing administrative mechanisms, within the Forest Service, and with private landowners, for fair pricing, and cost-effective administration, of small diameter Ponderosa Pine harvesting,
- Developing products and markets to maximize the economic return and local employment potential from a predictable supply of small diameter pine.
- Evaluating other tree species in which improved ecological health, and the sustainability of the local timber industry, can be combined. Work is underway on opportunities in mixed conifer and aspen forests.

The Ponderosa Pine Project meets the objectives of the Montezuma County multiple use policy, outlined earlier. It also has the potential to significantly reduce fire risk on privately owned lands. More and more homes are being built in the Pine Zone, and adjacent to the National Forest. This reality heightens the need for timber management on private land to reduce the risk of catastrophic fire which could impact both private and National Forest land. The Ponderosa Pine Partnership will continue to work with the Colorado State and Private Forestry Program to extend the benefits of the partnership to private landowners.

The health of Ponderosa Pine forests is a problem throughout the West, as evidenced by the extensive fires during the Spring and Summer of 1996. The Pine Partnership, in existence since 1993, has received a number of awards for its collaborative and innovative effort to address Ponderosa Pine Forest health conditions. These awards include:

- Rocky Mountain Regional Forester's Special Achievement Award for Ecosystem Restoration
- Colorado Governor Roy Romer's Regional Smart Growth and Development Award
- U.S. Forest Service Rural Community Assistance Spirit Award
- Ford Foundation Grant for Community-Ecosystem Stewardship of America's Forests
- Cooperative Forestry grant for small diameter product development

## **Impact of Federal Grazing Permits on Ag Lands, Open Space and Wildlife:**

This Plan places a high value on the continued viability of agriculture, and the role played by agricultural open space, in sustaining rural character and wildlife populations in Montezuma County. The relationship between grazing permits on federal Land and the continued viability of agriculture, in general, and the local livestock industry, in particular, has been a major area of focus for the Montezuma County Federal Lands Program.

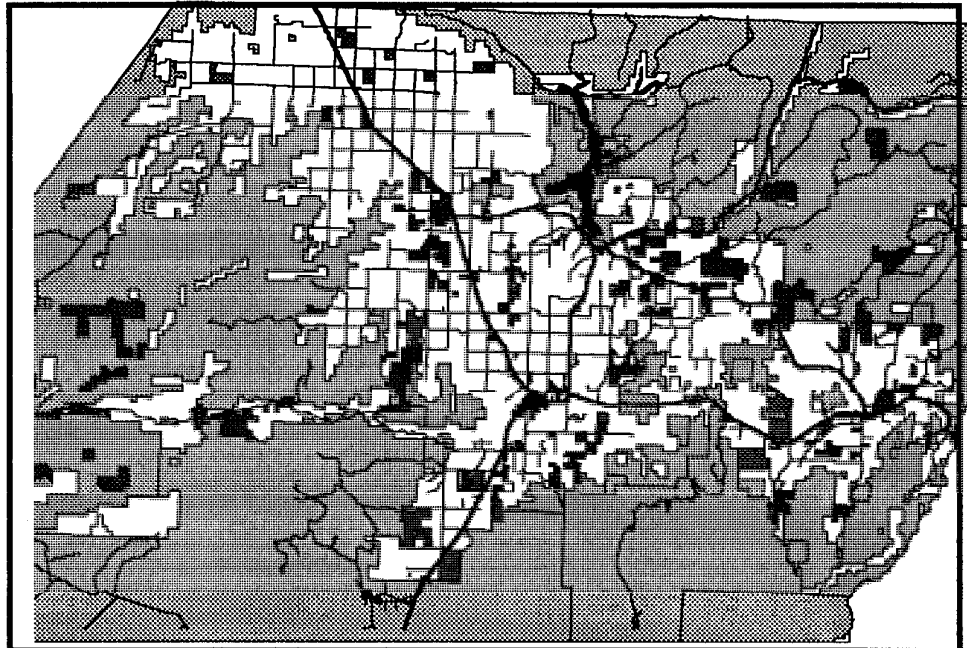
The fundamentals of this critical local-federal relationship are as follows:

- Private farm and ranch lands provide important open space, winter range, and wildlife habitat.
- Declines in the economic viability of farming and ranching will hasten land subdivisions which negatively impact open space and wildlife.
- A major component in the viability of ranching is continued grazing on federal land. Over 75% of local crop production is hay, which is tied to the livestock industry (see Table 6-B in Chapter 6).
- Declines in federal grazing, will result in the declines in ranching and agriculture, which will result in declines in privately maintained open space and wildlife.
- Such declines are counter to County policies in support of multiple-use, economic diversity, cultural heritage, healthy and productive landscapes, and collaborative problem solving.

Table 12-A and the Map presented as Figure 12-B, on the following page is a preliminary effort to map those private grazing lands that are part of a grazing rotations that depend on the seasonal grazing of federal land. Efforts will be made to expand and refine this analysis. The following interpretations can be made from currently available data:

- Livestock operators, with Forest Permits, depend on Forest Lands for an average of for 36% of their annual grazing rotation, with 64% of annual grazing on owned or leased private land. Operators who also hold BLM grazing permits are likely to depend, even more, on Federal grazing.
- Loss of Federal permits would reduce the production capability of these operators by a minimum of 36%. The actual impact would be much greater, based on the following realities:
  - Losing over a third of their production capability would put many ranches out of business, resulting in the sale of entire herds and the eventual subdivision of privately owned lands.
  - The ability of ranchers to rotate livestock onto Forest Permits during the summer, allows for private pasture recovery, and/or hay production to carry livestock through the fall and winter. The loss of a four month component in the annual rotation, would further damage economic viability as well as the health and productivity of private forage lands.
  - Decline in productivity and loss of economic viability of private ranch lands, will hasten the loss of agricultural open space that this plan seeks to protect.

**Figure 12-B**  
**Private Grazing Land Associated with**  
**Forest Service Grazing Permit Holders**



Land owned by Permittee
  San Juan National Forest  
 Land leased by Permittee
  Other Federal / State Lands

- Approximately 45,000 acres of private grazing land is tied to forest service grazing,
- 10,800 head graze for a total of 45,400 months on Forest Service land for an average of 4.2 months per head.

**Table 12-A**  
**Preliminary Grazing Analysis Based on Survey Responses**  
**From Thirty Forest Service Permit Holders**

	Irrigated Farmland	Irrigated Pasture	Dry Farmland	Dry Pasture
Acres	3261	1885	1499	24249
A.U.M./ac	5.56	4.00	2.40	1.15
A.U.M. (private)	17938	8651	3597	27878
Total A.U.M. Private				56,072
Grazing Months (Private)				7.50
A.U.M. (Forest Service)				32,228
Permitted Head (Forest Service)				7,379
Grazing months (Forest)				4.37
Total Grazing Months per Head				11.97

Figure 12-B identifies 45,000 acres of private forage land associated with 37 San Juan Forest Grazing Permits. Table 12-A is based on the responses of 30 of these Forest permit holders to a survey conducted by the Office of Community Services and the Southwestern Colorado Livestock Association. Respondents were asked to identify private acres (owned or leased) on which they graze or feed livestock in conjunction with Forest Service Grazing Permits. They were also asked to specify how many head were grazed for how many months on each parcel identified by the survey. This information is an initial effort to show the relationship between the capability of the private forage land and National Forest grazing permits as essential components in the local grazing regime.

Federal grazing permits have been a high priority from the inception of the Federal Lands Program in February of 1992. This priority has been pursued by the County Commissioners on all levels including:

- Evaluation and comment at all phases of Rangeland Reform rule making and legislation.
- Participation by County Commission Chairman, Tom Colbert, on the Rangeland Reform Working Group convened by Governor Romer to give input to Interior Secretary Babbitt. A primary recommendation of the Rangeland Reform working group (made up of 7 ranchers, 7 environmentalists, and 2 local government representatives) was to establish a "Community-Based" approach to Federal land range improvement efforts.
- A key element in the community based approach to grazing reform was to recommend the formation of Resource Advisory Councils (RACs) to provide broad based local input into Grazing policies, standards and decisions.
- The Southwest Colorado Resource Advisory Council has been formed for the Montrose District of BLM and includes a Montezuma County rancher who is a past President of the Southwestern Colorado Livestock Association and the Colorado Cattlemen's Association. The ecologist for the Ponderosa Pine Partnership is also serving on the RAC.
- The County has also assisted Permittees and commented on the development of Allotment Management Plans, which set stocking levels, rotations, and improvements on Federal grazing allotments.

There has also been discussion of a more structured federal-local partnership to address grazing issues, by adapting what has been learned from the Ponderosa Pine Partnership.

#### **The San Juan Forest Plan Revision:**

Land allocations and management decisions, on the San Juan Forest, are guided by the San Juan Forest Plan adopted in 1983, as required by the National Forest Management Act. A major "Revision" of all Forest Plans is required every 10-15 years. The San Juan Forest Plan Revision is currently in process. The progress made towards local-federal cooperation since 1992, as a result of the Montezuma County Federal lands Program, has resulted in a unique and innovative approach to the Forest Plan Revision process.

When the first Forest Plans were done in the early 1980s, the "public" was invited to "scoping meetings," to suggest issues that ought to be addressed in the Forest Plan. The Forest staff took scoping comments and spent about two years formulating "Forest Plan Alternatives," and assessing the environmental, economic and social consequences of each alternative. When the alternatives had been formulated and analyzed, the public was invited to comment, prior to finalizing the Plan. Montezuma County is one of five counties in Southwest Colorado that encompass substantial San Juan Forest Lands.

The County review of the 1983 San Juan Forest Plan, and subsequent amendments, revealed several areas of concern including:

1. Once the initial scoping was done, Forest Plan Alternatives were formulated without meaningful local involvement. Counties, like the rest of the public, were limited to a role of commenting on those alternatives that were offered by the Forest Service.
2. The Forest Plan process was extremely complex, making it difficult for the County and local citizens to fully understand the ramifications of the plan, and to meaningfully attempt to shape the plan, in light of its importance to the future of local communities.
3. The social and economic analysis of Forest Plan alternatives was very limited, and virtually overshadowed by predominance of biological analysis.
4. Since local people were “not up to speed,” with the intricacies of the Forest Plan, external advocacy groups and associations dominated the decision making process. This external domination during the development of the Plan carried over into the subsequent management decisions driven by the Plan.

Prior to initiating the Forest Plan Revision process in 1996, the San Juan Forest and the Fort Lewis College Office of Community Services (OCS) entered into a “Challenge-Cost Share Agreement,” to try and rectify these deficiencies. The OCS had been working with the County, since 1992, to develop the Federal lands Program. The resulting community-based approach to the Forest Plan Revision, relies very strongly on what OCS and the Forest Service have learned from the direct working relationships with Montezuma County. The Forest Planning process that emerged can be summarized as follows:

1. **Extensive social and economic data** was gathered early in the process, through close cooperation with local governments. The goal is to have good information for the Forest Plan Revision that will be broadly useful to local communities in dealing with the many growth and development issues that they face.
2. **Community Study Groups** were formed to fully explore the critical relationships between local communities and San Juan Forest lands and land uses. There are three study groups, one on each of the three ranger districts. Mancos-Dolores Study Group includes participants from Montezuma, Dolores and San Miguel Counties.
3. **Science and human values are being brought together** in the Study Group process. Knowledge of study group participants is being combined with the knowledge of Forest Service specialists and outside scientists. This interactive process includes field trips and facilitated discussions, focusing key issues, as agreed to by Forest Service and Study Group participants.
4. **Shaping of alternatives.** By law, the Forest Service must finalize Plan alternatives, and select the preferred alternative. In practice, the Study Groups are enriching the formulation Plan Alternatives. Study Group input also provides a well defined economic and social context within which to evaluate and select from Forest Plan Alternatives.

The Mancos-Dolores Study Group includes a number of people who are actively involved in timber and grazing issues from business, land management and environmental perspectives. There are also a number of recreational issues that the Study Groups are addressing, such as compatibility among various modes of trail use. There is also discussion about the extent of the various multiple uses in backcountry areas, and their social and ecological impacts of these uses.

People joined the Study Groups in order to flesh out a community perspective on key management issues, as opposed to taking a narrow interest group perspective. The diversity of perspectives and the practical knowledge of study group participants is providing for a rich and well informed consideration of crucial Forest Plan issues.

The bulk of the work, of the Study Groups, is scheduled for completion in the Spring or early Summer of 1997. From this point, it will take about two more years for the Forest Service to put out Plan and Environmental Impact Statement Drafts, take public comment on the Drafts, and finalize the plan sometime in 1999. During this period, Study Group members, and the County, will have an opportunity to comment on alternatives that have been derived, in a major way, from local involvement.

Through the Study Group process, and other activities sponsored by the Federal lands Program, local citizens will be in a position respond to the Plan from an engaged and well informed position. If the balance, between ecological and community health and productivity, can be established in the Forest Plan Revision; the outcome should be consistent with the Multiple Use Policy outlined in this chapter.

#### **Other Land Management Agencies in Montezuma County:**

While the Ponderosa Pine Partnership and the Forest Plan Revision have focused on the San Juan National Forest, it is intended that the information and community goals that are a by-product of this process will be applied to other key land management agencies in Montezuma County. Table 12-B and Figure 12-C present land ownership by these Agencies.

**The Bureau of Land Management (BLM)** was discussed above with regard to Rangeland Reform. The BLM lands in western Montezuma County offer:

- Lower altitude spring, winter and fall grazing,
- Some of the highest (Anasazi) archeological concentrations in the United States,
- The largest known CO<sub>2</sub> dome in the United States, and a primary County revenue source (see Chapter Eleven), as well as conventional oil and gas wells,
- Some very rugged and scenic red rock canyon country.

The BLM also has administrative responsibility for oil, gas and minerals management on National Forest, Tribal and private lands. All of these uses are of high importance to the people of Montezuma County. The Associate Supervisor of the San Juan Forest is also the Area Manager for the San Juan Resource Area of BLM; a result, in part, of cooperation involving the County Federal Lands Program. This management consolidation allows for a coordinated approach to Federal lands in Montezuma County, and will allow the findings of the Forest Plan Study Group process to carry over into BLM planning and decision making.



Figure 12-C  
Federal Lands Within Montezuma County

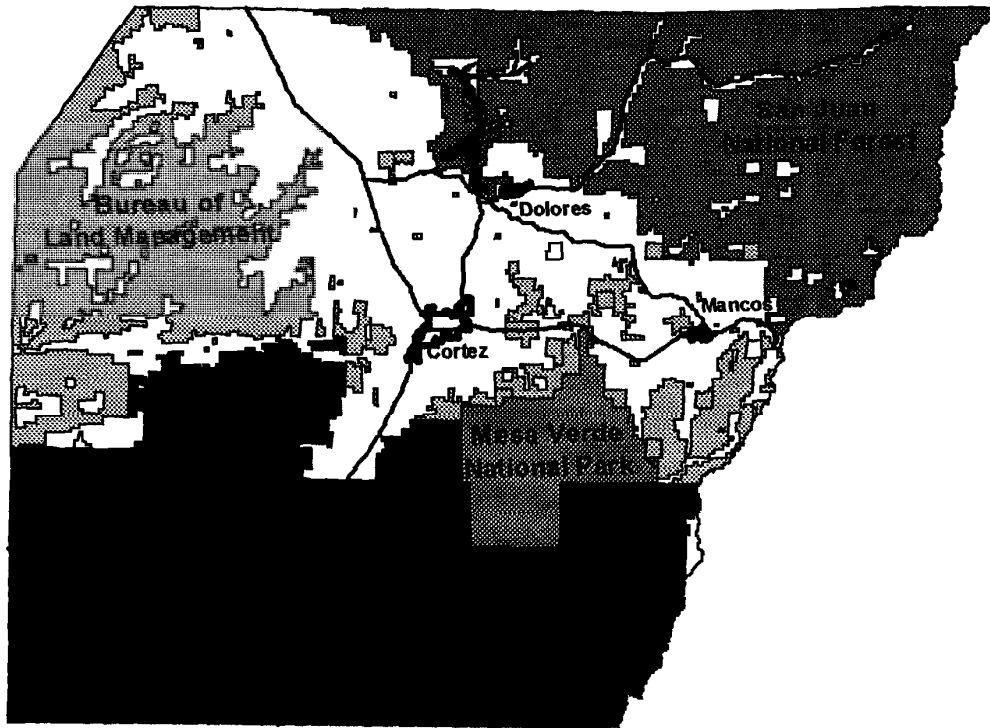


Table 12-B  
Proportion of Federal and State Lands within  
Montezuma County

Federal \ State Jurisdiction	Acreage	% of County
Ute Indian Land	439,996	33%
National Forest Land	254,654	19%
B.L.M.	180,950	14%
Mesa Verde Nat. Park	53,335	4%
State Land	7,549	1%
Total Federal \ State Land	936,484	70%
Private Land	397,404	30%
Total Acreage of Montezuma County	1,333,888	

**The National Park Service** manages Mesa Verde National Park and Hovenweep National Monument which are located within Montezuma County. With 750,000 visitors per year, Mesa Verde National Park is the major tourism attraction in Southwest Colorado. Hovenweep National Monument (small tracts within western BLM lands) is one of a complex of smaller archeological attractions in Montezuma County that appeals to the "archeo-tourist" that wants to get off of the beaten path and explore Anasazi civilization in more depth. Mesa Verde and Hovenweep are

part of a vast complex of extensive sites that underlay BLM, Forest, Tribal and private lands in Montezuma County.

There is significant cooperation between Mesa Verde National Park and local business associations, to manage the large number of tourists coming to Mesa Verde. More collaboration is needed to coordinate between the ongoing development of Mesa Verde and broader community strategies for dealing with the vast archaeological resources within the County.

**Coordination Regarding Archaeological Resources.** The unique and extensive Anasazi archaeological resources are an increasingly important consideration in Montezuma County. While Mesa Verde is an international draw to the area, numerous other initiatives have developed around these resources, including:

- **The Anasazi Heritage Center** was built by the Bureau of Reclamation to house artifacts salvaged from the construction of McPhee Reservoir and other features of the Dolores Project. The Heritage Center has a world class museum which is operated by the BLM, with extensive volunteer support. Local communities, particularly Dolores, fought hard to make the Heritage Center a reality. In addition to hosting over 40,000 visitors a year, the Heritage Center serves as a repository and research setting for artifacts gathered throughout the region.
- **The Cortez CU Center** has been developed, as a private non-profit entity, by local volunteers, with assistance from the University of Colorado, whose archaeological faculty did extensive excavations at the Yellow Jacket area. In addition to providing a museum and visitor information within the Cortez downtown, the Center offers extensive cultural and scientific programming attended by locals and visitors alike.
- **Crow Canyon Archaeological Center** is a private non-profit archaeological field school that combines archaeological field experience and education with research. Crow Canyon hosts thousands of visitors each year. Visitors range from school aged children to adults, from all over the United States. Crow Canyon does research on both federal land, through permits, and on private land, through agreements with landowners.
- **The Ute Mountain Ute Tribal Park** has guided tours of extensive archaeological areas adjacent to Mesa Verde. Major archaeological research and salvage work on the Tribal Dolores Project lands has included the development of a facility to house, curate and display artifacts that have come from Ute Mountain Ute lands.

In recent years a number of proposals have been floated to create an "Anasazi National Park " and a variety of other proposed facilities, scenic by-ways and attractions. This Plan proposes a coordinated approach, to such efforts, based on substantial local input. Such proposals should:

- Complement and support, rather than duplicate or overshadow, locally supported archaeological programs and facilities,
- Address potential impacts on County roads and services,
- Include extensive citizen involvement, and
- Protect resources in a manner that respects private property rights and property values.

**The Bureau of Reclamation (BOR) and the Dolores Water Conservancy District (DWCD).** The Bureau of Reclamation has completed McPhee Reservoir and the water delivery facilities of the Dolores Project. The BOR has turned over recreation areas to the Forest Service, and the Anasazi Heritage Center to the BLM.

The management of irrigation and municipal water facilities and allocations has been transferred to the **Dolores Water Conservancy District (DWCD)**. The DWCD is overseen by a locally appointed board. The importance of the Dolores Project to agricultural viability is discussed in Chapter Six. McPhee Reservoir also provides storage for most of the municipal/industrial water supplies discussed in Chapter Eleven. The Dolores Water Conservancy District also deals with broader water rights issues that are within, or have impact on, the geographic area encompassed by the Dolores Water Conservancy District.

Most of the responsibilities of the DWCD, are closely interrelated with the goals of this plan. Close coordination between the County and the DWCD, on issues of mutual importance, is essential.

## **Legal Authorities**

While most of the policies in the Plan are related to State planning authorities, County involvement in federal land issues must be related to Federal authorities. The initiatives of the Montezuma County Federal Lands Program, and the policy recommendations put forward by this plan, are consistent with, but not limited to, a variety of Federal authorities including:

1. **The National Environmental Policy Act (NEPA) of 1968** applies to Federal land planning and management, as well as the actions of other Federal Agencies.
  - a) **Congressional Declaration.** " . . . it is the continuing policy of the Federal Government in cooperation with State and local governments to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may assure for all Americans safe, healthful, productive and aesthetically and culturally pleasing surroundings; and . . . preserve important historic, cultural and national aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice. (42 USC 4331 (a), (b)).
  - b) **Joint Environmental Planning.** "Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements. . . . such cooperation shall, to the fullest extent possible, include:
    - i) Joint planning processes.
    - ii) Joint environmental research and studies.

- iii) Joint public hearings (except where otherwise provided by statute).
- iv) Joint environmental assessments.
- v) Where State laws or local ordinances have environmental impact statement requirements in addition to . . . those in NEPA, Federal Agencies shall cooperate in fulfilling these requirements as well as those of Federal laws so that one document will comply with all applicable laws.
- vi) . . . . Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law. (40 CFR 1506.2(b),(c),(d))
- c) **Addressing the Cumulative Impacts of Federal Actions.**  
Cumulative impacts can result from individually minor but collectively significant actions taking place over a time period . . . Effects include . . . historic, cultural, economic, social or health, whether direct, indirect or cumulative. (40 CFR 1508.6, 1508.8)

2. **The National Forest Management Act of 1976** requires that Forest Plans adopted by the U.S. Forest Service: "be revised from time to time when the Secretary finds conditions in a unit have significantly changed, but at least every 15 years. . . . The resulting plans shall provide for multiple use and sustained yield of goods and services from the National Forest System in a way that maximizes long-term net public benefits in an environmentally sound manner. . . . Plans guide all natural resource management activities and established management standards and guidelines for the National Forest System. They determine resource management practices, levels of resource production and management. Regional and forest planning will be based on the following principles:
  - a) (5) Preservation of important historic, cultural, and natural aspects of our national heritage;
  - b) (9) Coordination with the land and resource management planning efforts of other Federal agencies, State and local governments, and Indian tribes.
  - c) (13) Management of National Forest System lands in a manner that is sensitive to economic efficiency; and
  - d) (14) Responsiveness to changing conditions of land and other resources and to changing social and economic demands of the American people. 36 CFR 219.1(a),(b)(5),(9),(13),(14).

3. **The Federal Lands Policy and Management Act (FLPMA) of 1976** is the guiding statute for administration of Bureau of Land Management (BLM) lands. FLPMA states:
- a) "... to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management programs of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the State and local governments within which the lands are located. . . .
- "... the Secretary, to the extent he finds practical, shall keep apprised of State local, and tribal land use plans; assure that consideration is given to those . . . plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands . . ."
- (43 USC 1712(c),(9),(f))

This Chapter will conclude with a summary of major issues, planning goals and policy recommendations with regard to the Federal Lands in Montezuma County.

## **Summary of Major Issues Related to the Federal Lands**

1. The key economic sectors that bring new dollars into Montezuma County depend, in a major way, on the multiple use of federal lands. federal land dependent sectors include: livestock, wood products, tourism, hunting, archeological education, oil, gas and CO2 production.
2. The federal lands are also a critical element in the quality of community life providing primary water supplies, recreational opportunities, open space and the scenic backdrop surrounding the County's valleys and towns.
3. Beginning with the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), and the Federal Lands Management Act (FLPMA) of the early 1970s, the federal land planning and management process has become increasingly complex, and subject to intervention and influence by actors external to the community.
4. The multiple-use philosophy of the Federal Agencies is also being adapted to give more weight to ecological health and less weight to commodity outputs.
5. Population growth has brought in increasing numbers of people who appreciate the aesthetic and recreational benefits of the federal lands, without understanding the role that commodity uses have played in the history, economy and culture of Montezuma County.
6. This combination of increasing complexity of the federal land process, increasing intervention by interests external to the community, diversification of values within the County and the trend towards ecologically based management; have created a great deal of uncertainty about the current and future prospects, for federal land uses in Montezuma County.
7. The uncertainty about federal land policy raises concerns about impacts on the local economy, as well as present and traditional uses of federal land. There is also concern about the impact of changing federal land policy on private land use patterns, particularly in regard to the importance of federal Land grazing to the viability of ranching, and the land use patterns that ranching has created.

## **Planning Goals Related to Federal Lands**

1. Develop a Comprehensive Plan that maximizes local input into federal land policy, planning and decision making.
2. Establish the economic, social, cultural and land stewardship benefits of the continued multiple-use of federal lands as a basis for the on-going evaluation of, and involvement in, federal land management plans and decisions.
3. Build on the local-federal cooperation that has resulted from the Montezuma County Federal Lands Program and continue to pursue initiatives such as the Ponderosa Pine Partnership.
4. Formalize community-based federal land principles through intergovernmental relationships, and local participation in the San Juan Forest Plan Revision and other land and resource management plans.

## **Policy Recommendations: The Federal Lands in Montezuma County**

1. **Establish Benefits of Multiple Use.** It is recommended that the economic, social, cultural and land stewardship benefits of multiple use on federal lands be analyzed and documented. Some key issues that need to be addressed:
  - a) **Federal land timber harvests:**
    - i) The current and potential economic contribution of the local timber industry including direct and spin-off employment.
    - ii) The timber industry as a source of family wage blue collar jobs in an era when such jobs are becoming increasingly scarce.
    - iii) The extent to which the stability of the local industry depends on federal timber.
    - iv) The vital role of the timber industry in maintaining and restoring the health of forested lands in Montezuma County.
  - b) **Federal land grazing:**
    - i) The economic contribution of livestock production including feed and forage production as well as supportive services (veterinary, supplies, marketing etc.)
    - ii) The extent to which local ranching depends on federal grazing allotments to remain viable.
    - iii) The open space and wildlife benefits of the land use patterns that have resulted from working ranches.
    - iv) The environmental consequences resulting from the subdivision of private ranch land when ranching ceases to be viable.
    - v) The contribution of the land use patterns established by ranching towards the desirability of Montezuma County as a place to live, do business and visit.
  - c) **Tourism, Hunting and Recreation:**
    - i) The contribution of tourism, hunting and recreation to the local economy.
    - ii) The extent to which tourism, hunting and recreation depend on the use of the federal lands.
    - iii) How best to accommodate the growing types and levels of recreational use on federal land.
  - d) **Oil, Gas, CO<sub>2</sub>, and Mining:**
    - i) The current and potential contribution of energy development and mining to the local economy and tax base.
    - ii) How to strike a reasonable balance between resource protection, reclamation and the economic viability of these industries.
    - iii) How to minimize negative impacts on private surface owners.

- e) Multiple-use compatibility:
    - i) Community based strategies for maintaining all multiple uses in a compatible manner.
    - ii) In particular, strategies for dealing with growing recreational use without reducing traditional uses such as timber harvesting and livestock grazing.
2. **Joint Planning & Intergovernmental Relationships.** It is recommended that opportunities be maximized for local participation in federal land policy making, planning and decision making processes.
- a) The Study Group being created on the Mancos-Dolores District, to provide community input on the San Juan Forest Plan Revision, represents an opportunity for community involvement in developing management parameters that will be in effect for 10 to 15 years after the Plan is completed.
  - b) The Study Group will allow for the interaction of a variety of perspectives from within Montezuma County, and with two other Study Groups representing other counties and towns that encompass the San Juan National Forest.
  - c) As the Forest Plan Revision proceeds, all avenues of communication (letters, policy analysis, public comment, etc.) should be used by the County and forest user groups in support of local needs and priorities.
  - d) Intergovernmental relationships and authorities, involving the County and federal land agencies (including BLM and National Park Service), should be exercised to pursue local needs and priorities regarding the multiple use of public lands and the health of local communities.
3. **Community-Public Land Partnership Initiatives.** It is recommended that efforts continue to develop community-public land partnerships such as the Ponderosa Pine Partnership, local visitor centers and the trail projects being undertaken by the Dolores Chapter of the San Juan Forest Association.
- a) Such partnerships should include the appropriate mix of private sector, local government, educational and public interest representation.
  - b) Partnerships should focus on initiatives that combine economic, ecological and community needs and benefits.
  - c) Partnerships should also provide a vehicle for removing institutional barriers to constructive problem solving.
  - d) In a time of declining local and federal budgets, partnerships should be explored as a means of making the most efficient use of taxpayer dollars.



4. **Comprehensive Plan Policy Statement on Multiple Use.** It is recommended that the Comprehensive Plan include a policy statement on multiple-use on federal land, for adoption by the County (see page 12-4).
- a) Federal law and regulation require the Forest Service and BLM to consider local plans and needs when formulating plans for the management of federal lands. If federal plans do not comply with local plans, an explanation is required.
  - b) The multiple-use policy statement should establish a framework within which to actively pursue and assert policies 1-3 above.

## **Chapter Thirteen**

### **Intergovernmental Relations**

#### **Overview**

The comprehensive nature of this Plan will require a great deal of intergovernmental cooperation in order to achieve the implementation of Plan goals. All units and levels of government, working together, can achieve the best, and most cost effective result, for the people that they serve.

Montezuma County has an obligation to coordinate with other local units of government to achieve cohesive and cost effective local government. The County also has an obligation to advocate for local interests, at higher levels of government. The most effective way for the County to fulfill these obligations is to be "at the table", actively shaping intergovernmental relationships and policies, in the best interests of the citizens of Montezuma County.

Chapters One through Twelve of this Plan encompass a number of recommendations that will require intergovernmental cooperation. This Chapter will summarize these recommendations, and identify additional areas where intergovernmental policies are needed to meet the goals of this plan.

#### **The Federal Government:**

Issues and policies related to federal lands are thoroughly addressed in Chapter Twelve. Another set of concerns, with regard to the goals of this Plan, involve Federal regulatory agencies, including the Environmental Protection Agency (EPA) and the U.S. Fish and Wildlife Service.

The most discussed areas of concern are the Endangered Species Act, Wetlands Protection Regulations, and predator control and reintroduction programs. These policies, while well intentioned, can restrict the use of private property, limit the multiple-use of federal land and create barriers to viability of local businesses.

This Plan asserts, that the most effective way to meet environmental protection and improvement goals, is for local communities and regulatory agencies to work as partners. This will allow for effective resource stewardship, while protecting the stability and health of local economies and local communities.

Several examples are presented in Chapter Twelve on federal lands, that demonstrate the benefits of moving from a top-down Regulatory Model, to a collaborative Community Stewardship Model. Similar approaches need to be developed with the Environmental Protection Agency, the U.S. Fish and Wildlife Service, and other Federal regulatory agencies.

### **The Ute Mountain Ute Tribe:**

While recognizing the sovereignty of the Ute Mountain Ute Tribe, under Federal law, it is also important to recognize the interdependence that exists between the Tribe and other entities in the County. Some key linkages include:

- **Water Resources.** The Tribe is signatory to the Colorado Ute Indian Water Rights Settlement of 1986, as ratified by Congress in 1988. This Settlement is a major factor in the water allocation and management regime in Montezuma County. The Tribe has 1,000 acre feet of municipal/industrial water from the Dolores Project, as well as irrigation water to serve 7,500 acres of Tribal land. In addition to the coordination this requires, the Tribe has the potential to become a major player in the regional agricultural economy.
- **Archaeological Resources.** The Ute Mountain Tribal Park is a major component of the archaeological resources and attractions in Montezuma County.
- **Gambling.** The Ute Mountain Casino attracts a substantial number of visitors to Montezuma County. There are benefits to the local economy, as well as impacts on local infrastructure and services, that result. These issues need to be dealt with fairly and factually
- **Education, Social Services and Youth.** Tribal members attend local schools and use County social services. The Tribe provides juvenile detention facilities that are utilized by other entities.
- **Employment and Overall Economic Contribution.** The Tribal Government and Tribal Enterprises are among the largest employers in Montezuma County, generating a payroll that contributes substantially to the local economy.
- **Land Ownership.** In addition to Reservation lands held in trust by the United States, fee title ranches make the Tribe a major private landowner in Montezuma County.
- **Federal Grazing Permits.** The Tribe holds Federal grazing permits on National Forest and BLM land.
- **Infrastructure Planning and Development.** There are critical infrastructure elements, whose use is shared by the Tribal and County residents, which require joint planning and development. An example is Highway 160/666 between Cortez and Towaoc.

Recognizing that the health and well-being of the tribe, and the health and well-being of the County are interrelated, this Plan recommends closer cooperation and communication between the Tribe and the County on issues of mutual importance.

**The State of Colorado:**

Since Counties are, in effect, “creatures of the State,” most aspects of County government are “enabled”, “guided”, “funded”, and/or regulated by the State. In the broadest sense, the State is requested to carefully evaluate, and mitigate, the impacts of State policies and decisions on the goals and policies of this Plan. In turn the County acknowledges that it needs to do its part to stay informed, stay engaged, and actively participate in State processes that impact the County.

The relationship with the Colorado Division of Wildlife (CDOW) and the implementation of the Habitat Partnership Program are discussed, in detail, in Chapter Eight.

There are a growing number of cases in which the State is beginning to assume increasing responsibility, in areas that have previously been Federally regulated. In addition to carefully considering and mitigating the impact of State regulations, the State is asked to assist the County in mitigating the impacts of Federal regulatory agencies. In all cases, the County asks that “the common sense test” be applied in formulating policies and making decisions. State and local communication and cooperation are the key to making common sense and community-based resource stewardship a reality.

**The Municipalities:**

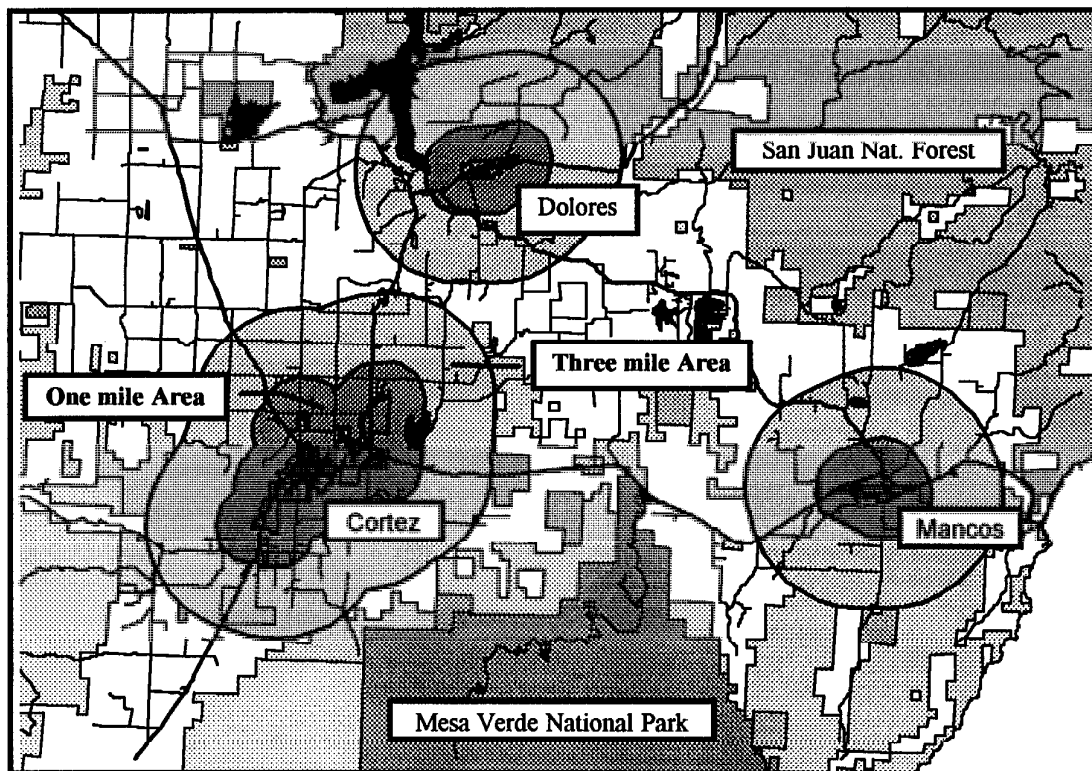
Chapter Ten discusses the problem of “rural sprawl” and proposes Landowner Initiated Zoning (LIZ) incentives to take the pressure off of agricultural and rural lands, and expand affordable housing opportunities, by allowing and encouraging higher density development, in and around, the Towns of Cortez, Mancos and Dolores.

In addition to working with the municipalities to set standards within the LIZ Urban Services Zone, agreements need to be negotiated with regard to broader development policies, within areas adjacent to the towns, that may eventually be annexed.

The County is legally required to work with the towns in developing and adopting a major streets plan within three miles of town boundaries (CRS 31-23-206 and 31-23-213, 214). The Major Street Plan could also address water and sewer standards. The County is also required to work with the towns on policies for dealing with incompatible uses, within one mile of town boundaries (CRS 31-15-501).

Figure 13-A approximates a one mile and a three mile radius around the boundaries of each of the three towns. It should be recognized that Figure 13-A is conceptual. The actual size and shape of "urban influence areas," should be established by the County and the towns, based on geography, availability of utilities and the likelihood of eventual annexation.

**Figure 13-A**  
**One Mile and Three Mile Areas Around Cortez, Mancos, Dolores**



In order to implement urban influence area policies, there is the need to formalize the procedures, by which municipal comments on influence area subdivisions and commercial/industrial developments, are considered, and responded to, in the County review process. There is also the possibility that City building inspectors could perform landowner initiated UBC (Uniform Building Code) inspections in unincorporated areas of the County.

A summary of policy recommendations regarding intergovernmental relations is presented, beginning on the following page.

## **Policy Recommendations: Intergovernmental Relations**

It is recommended that Montezuma County represent its citizens, by using full County authority to work with local, state, tribal and federal governmental entities to fulfill the goals of this plan. Specific recommendations include:

### **1. The Federal Government**

- a) **Regulatory Impacts.** It is recommended that Montezuma County monitor, comment upon, and where appropriate, seek administrative and regulatory relief, regarding regulations that negatively impact the economic viability of the community and other goals of this plan. Areas of particular concern include: The Endangered Species Act, Wetlands Protection Regulations, and predator control and reintroduction policies.
- b) **The Federal Lands in Montezuma County.** The following policies are recommended to address issues related to federal lands:
  - i) **Establish Benefits of Multiple Use.** It is recommended that the economic, social, cultural and land stewardship benefits of multiple use on federal lands be analyzed and documented.
  - ii) **Joint Planning & Intergovernmental Relationships.** It is recommended that opportunities be maximized for local participation in federal land policy making, planning and decision making processes.
  - iii) **Community-Public Land Partnership Initiatives.** It is recommended that efforts continue to develop community-public land partnerships, such as the Ponderosa Pine Partnership, local visitor centers and the trail projects being undertaken by the Dolores Chapter of the San Juan Forest Association.
  - iv) **Comprehensive Plan Policy Statement on Multiple Use.** It is recommended that the Comprehensive Plan include a policy statement on multiple-use on federal land, that strongly supports the historic and traditional uses of federal land.

### **2. The Ute Mountain Ute Tribe**

It is recommended that the County coordinate with the Tribe on issues of mutual importance such as water resources, archaeological resources, gambling, education, social services, employment, economic development, Federal grazing permits, and infrastructure planning and development.

3. **The State of Colorado**

- a) **Habitat Partnership Program.** It is recommended that Montezuma County work with the Colorado Division of Wildlife, to implement the Habitat Partnership Program in Montezuma County, as a mechanism to resolve wildlife conflicts.
- b) **Regulatory Impacts.** It is recommended that assistance be sought from the Colorado Department of Agriculture and other State Agencies, in mitigating the impacts of State and Federal regulation that adversely affect the goals of this Plan.

4. **The Municipalities**

- a) It is recommended that the County Commissioners enter into negotiations with the municipalities to achieve agreements in the following areas:
  - i) A major street plan within three miles of each municipality.
  - ii) Consideration should be also be given to common water and sewer standards, where appropriate, within the areas that are addressed by the major street plan.
  - iii) Policies for dealing with incompatible uses within one mile of municipal boundaries.
  - iv) The possibility that City inspectors could provide Landowner Initiated UBC inspections in the unincorporated County.
  - v) A formal procedure for considering and responding to comments, from the municipalities, regarding subdivisions and commercial development, within the urban influence areas, not to exceed three miles.

## **Chapter Fourteen**

### **Plan Implementation**

#### **Overview**

The policy framework developed by the Comprehensive Plan Working Group, and presented in Chapters One through Thirteen, will be implemented to address ten major goals that have emerged from the public involvement process:

1. To provide reasonable protection of agricultural and residential areas from incompatible commercial and industrial development,
2. To provide reasonable protection of private property rights,
3. To encourage the continued viability of agriculture and agricultural land use patterns,
4. To encourage the protection of open space and wildlife,
5. To attempt to protect rural character by maintaining relatively low residential densities,
6. To reduce junk, trash and visual blight, along highway corridors, at town entrances and in rural neighborhoods,
7. To concentrate, as much growth as possible in and near the towns,
8. To accommodate growth in a manner that attempts to avoid deterioration in the quality of infrastructure and services, and does not place an undue tax burden on local residents,
9. To preserve multiple-use and pursue resource protection on public lands, and
10. To improve intergovernmental cooperation (county, special district, municipal, state, tribal and federal).

The policy framework developed by the Working Group has been presented and discussed at numerous public meetings (see "Road Show" calendar at the end of this Chapter).

The Montezuma County Planning Commission reviewed all elements of the Plan, in light of the above goals. The Planning Commission also considered issues related to implementation of the Plan within the formal Planning Commission process. This Chapter presents recommendations regarding the implementation of *Landowner Initiated Zoning (LIZ)* and optimal time frames for the implementation of LIZ and other policy tools recommended in Chapters 1-13 of the Plan.



### **Implementation of Landowner Initiated Zoning (LIZ):**

While the Plan recommends a wide range of implementation tools, Landowner Initiated Zoning (LIZ) is an important element in addressing most of the ten goals presented in the overview of this Chapter. Though little concern was expressed with regard to the LIZ zoning options put forward in the Plan, some procedural concerns with regard to LIZ have arisen through the deliberation and public involvement process. These concerns center on the open sign-up period and the concern that higher density zoning could be established without public review:

1. **Fiscal and service impacts.** The potential for high density residential zoning in areas of the County where roads, utilities and services are inadequate, could result in a deterioration of public facilities and services and/or an added tax burden on other taxpayers.
2. **Rural character and agricultural viability.** The potential for small lot zoning on a large scale, could substantially undermine the open character and agricultural viability of rural parts of the County.
3. **Public disclosure and input into zoning decisions.** There is concern that the proposed open sign-up would result in the granting of zoning without the opportunity for public input or deliberation to address potential conflicts with regard to fiscal, service, rural character and agricultural impacts.

To address these concerns, the Planning Commission recommends the following implementation procedures:

1. **Adequate public facilities and services policy.** It is recommended that an adequate public facilities policy be adopted which requires the developer to show that adequate public facilities and services can be provided to support the proposed development without undue deterioration of facilities and services and without undue tax burdens on other residents of the County.
2. **Initial sign-up period used to express landowner zoning preferences.** A sign-up period is recommended during which each parcel owner will have an opportunity to express a preference from among the LIZ zoning options. To assist landowners in selecting zoning preferences the County will provide user friendly educational materials, personal consultation with landowners, and upon request, facilitators for neighborhood meetings.
3. **Zoning preferences mapped.** It is recommended that zoning preferences be mapped and publicly displayed. Any parcel for which the owner does not express a preference will be mapped as "unzoned."
4. **Preference maps displayed and hearings held to resolve conflicts.** It is recommended that zoning preference maps be displayed for public review. Hearings will be held, as necessary, to resolve any conflicts identified by the public or the County with regard to zoning preferences.

5. **Zoning preference approval.** After the public review and hearing period is over, zoning preferences for A160, A/R160, A/R40, R35, A/R10, R10, and Open Space zones will be approved, and become part of the official zoning map. Zoning preferences for A/R5, R3, Commercial, Industrial and Urban Services zones will be mapped as to preference, but will not be approved until such time as a specific development proposal is put forward, and reviewed in a public hearing process. The Urban Services Zone will allow for parcels of less than three acres within the urban influence area, subject to compliance with the standards and procedures established in the urban influence area negotiations with the municipalities (per Chapters 10 and 13).
6. **Establishing or changing zoning after the official zoning map is adopted.** After the official zoning map is adopted, establishing or changing zones will require a public hearing.

#### **Implementation Tools, Goals and Target Dates:**

Chapter One provides an overview of all of the policy recommendations that are detailed in Chapters 3-13. Table 14-A that follows, presents the implementation tools to carry out these policies. Each implementation tool is presented in relation to the goals that it addresses and the optimal time frame for formal development and adoption of each tool.

Since the implementation tools, listed in Table 14-A, are proposed to address the policy objectives and principles put forward in the Plan. And, since the detailed standards and public hearing procedures for each implementation tool will be developed after the Plan is adopted; it is important that the policies and principles in the Plan provide the context within which these standards and policies are developed and evaluated.

Key questions with regard to the development of standards and public hearing procedures include: What constitutes a conflicting use? How will the public hearings be run? Who has standing? What are the appropriate standards? and How will the standards be applied in the public hearing process? Such questions should be addressed in the context of the Plan, as well as the public input process that will be an essential part of putting implementation tools in place.

The schedule in Table 14-A, groups the development of related standards and procedures, so that people can get a comprehensive picture of how one tool will interact with the others, and how the combination of these tools will function as a system.

It should be emphasized that the target dates are “optimal” and may very well need to be adjusted based on two factors:

1. County budgetary limitations may constrain the schedule for developing implementation tools.

2. The adoption of implementation tools will involve significant public input into standards and procedures. In some cases, the extent of public input may extend optimal time frames.

While these considerations may result in the adjustment of target dates, the proposed schedule provides a structure for determining how the development of these tools can best be staged and interrelated. Every effort will be made to advance this work plan in the most timely manner possible.

**Table 14-A**  
**Comprehensive Plan Implementation:**  
**Implementation Tools, Goals and Target Dates**

<b>Implementation Tool</b>	<b>Goals Addressed (Page 14-1)</b>	<b>Tentative Schedule</b>
<b>Commercial and Industrial Permitting:</b> <ul style="list-style-type: none"> <li>• Develop permitting standards and procedures and conduct input hearings on same.</li> <li>• Adopt and implement permitting system</li> </ul>	Goals: 1,6,8,10	Jan.-March, 1997  April-May, 1997
<b>Adequate Public Facilities Policy:</b> <ul style="list-style-type: none"> <li>• Develop standards and procedures and conduct input hearings on same.</li> <li>• Adopt and implement adequate public facilities policies and procedures.</li> </ul>	Goals: 7,8,10	Jan.-June 1997  July-Aug., 1997
<b>Landowner Initiated Zoning (LIZ):</b> <ul style="list-style-type: none"> <li>• Develop LIZ standards and procedures and conduct input hearings on same</li> <li>• Solicit and compile zoning preferences</li> <li>• Hold hearings to consider potential zoning conflicts</li> <li>• Adopt zoning map and implement LIZ procedures</li> </ul>	Goals: 1,2,3,4,5,6,7,10	Jan.-June, 1997  July-Oct., 1997  November, 1997  December, 1997
<b>Urban Influence Area Policies</b>	Goals: 6,7,8,10	June, 1997
<b>Amendment of Subdivision Regulations for Compatibility with Other Implementation Tools</b>	Goals: 1,2,3,4,5,6,7,8,10	June, 1997
<b>Solid Waste Transportation in Disposal Regulations:</b>	Goals: 6	June, 1997

**Comprehensive Plan Implementation (Table 14-A continued):  
Implementation Tools, Goals and Target Dates**

<b>Implementation Tool</b>	<b>Goals Addressed (Page 14-1)</b>	<b>Tentative Schedule</b>
<b>Update Pipeline/Powerline Regulations</b>	Goals: 1,2,3,10	June, 1997
<b>Right-to-Farm Policy</b>	Goals: 2,3,4,5	June, 1997
<b>Rural Landowner Education Book (NRCS, Coop Extension)</b>	Goals: 3,4,5,8	March 1997
<b>Adopt Uniform Codes &amp; Implement on Landowner Initiated Basis</b>	Goals: 1,2,6,7	December 1997
<b>Conservation Easements</b>	Goals: 3,4,5	Workshop - Winter 1997
<b>Habitat Partnership Program, Wildlife Mapping</b>	Goals: 3,4,5,9,10	Winter 1997
<b>Addressing and Dispatch Capability</b>	Goals: 8, 10	Ongoing
<b>Traffic Monitoring, Road Improvement Planning</b>	Goals: 8	Ongoing
<b>Improved Coordination Among Utility Providers</b>	Goals: 8	Ongoing
<b>Sewage and Water Quality Monitoring</b>	Goals: 8+ (public health, watershed protection)	Ongoing
<b>Expand Weed Control Program</b>	Goals: 2,3,9,10	Ongoing
<b>Federal Lands (local involvement in multiple-use policy, planning, economic and natural resource sustainability)</b>	Goals: 3,4,9,10	Ongoing
<b>Planned Unit Development Regulations</b>	Goals: Mechanism to address condominiums multi-family and multi-use projects	June, 1998

**Annual Report and Evaluation of Comprehensive Planning Tools:**

In January of each year an annual report and evaluation on the previous year will be prepared for the Planning Commission, the Board of County Commissioners and the citizens of Montezuma County. The report and evaluation will include the following:

1. Statistical trends and maps depicting and analyzing land use changes over the previous year.
2. An evaluation of the on-going effectiveness of implementation tools in meeting the goals of the Comprehensive Plan.

## **Montezuma County Comprehensive Land Use Plan Road Show**

A "Road Show" involving a slide show and a series of 12 Fact Sheets was presented to a wide range of organizations from October through December of 1996, culminating in a general information meeting on December 9 and formal public hearing on December 12, 1996.

The final form that the implementation recommendations take in this Chapter reflects the invaluable suggestions and comments received in these discussions. The schedule of Road Show presentations is summarized below:

### **October 1996**

10-08-96 - Dolores Rotary Club - Ponderosa Restaurant - 6:30 am  
10-15-96 - Realtor/Lender Seminar - Calvin Denton Room - 11:00 am  
10-17-96 - Chamber of Commerce Meeting - Anasazi - 6:00 pm  
10-18-96 - Empire Electric Board Meeting - Board Room - 9:30 am  
10-21-96 - Dolores Ranger District - Dolores - 2:00 pm  
10-21-96 - Cortez Rotary Club - Warsaw - 6:30 pm  
10-22-96 - Cortez City Council Meeting - Cortez City Hall - 7:30 pm  
10-23-96 - Economic Development Council - Johnson Building - 10:00 am  
10-24-96 - Board of Realtors - Warsaw - 12:00 noon  
10-25-96 - Planning Commission Meeting - Court House - 8:00 - 12:00 am  
10-28-96 - Business & Professional Women - 321 W. 1st. - 7:00 pm

### **November 1996**

11-06-96 - Kiwanis Club - Elks Club meeting room - 12:00 noon  
11-14-96 - Town of Dolores - Dolores Town Hall - 6:30 pm  
11-18-96 - Leadership Montezuma - Cortez City Hall - 7:00 pm  
11-19-96 - Mancos Planning & Zoning - Mancos Community Center - 7:00 pm  
11-20-96 - Homebuilders Association - Anasazi - 6:30 pm  
11-21-96 - 4 Corners Bar Association - Homesteaders - 12:00 noon  
11-25-96 - Planning Commission/Working Group - Court House - 7:00 pm

### **December 1996**

12-04-96 - Utilities Meeting - Calvin Denton Room - 9:45 am  
12-09-96 - Public Information Meeting - Cortez Conference Center - 7:00 pm  
12-12-96 - Public Hearing - MCHS Auditorium - 7:00 pm

**COMPREHENSIVE LAND USE PLAN AMENDMENTS  
PERTAINING TO THE DOLORES RIVER VALLEY PLAN  
September 8, 2004**

**DENSITY**

1. Recommend a base density of 1 residential unit per 10 acres for future development in the Dolores River Valley.
2. Recommend a Transfer of Development Rights (TDR) system requiring that residential developments exceeding densities of 1 unit per 10 acres will be required to purchase development rights on a willing seller basis from other property owners within the Dolores River Valley and transfer them to the development "receiving" area.
3. Recommend TDR criteria that address non-residential uses such as hotels, golf courses, and commercial development.
4. Establish clearly defined criteria to calculate what is counted as "developable land" for determining land requirements for the following purposes:
  - a. Meeting the 10 acre minimum lot size in proposed subdivisions
  - b. Addressing open space requirements in Cluster Incentive PUD's
  - c. Allocating development rights for purchase and transfer under a TDR program
5. Encourage the use of the A/R 35+ zone combined with the Cluster Incentive PUD, to meet the criteria for "developable land", as well as the 75% open space/agricultural land requirement.
6. Recommend a Cluster Incentive PUD option within the A/R 10-34 zone that allows 1 clustered home site per 10 acres, to meet the criteria for "developable land", as well as a 70% open space/agricultural land requirement.
7. Recommend the County support grants and other funding opportunities to purchase conservation easements and/or development rights for land preservation.

## **TDR's, COMMERCIAL DEVELOPMENT STANDARDS AND OTHER INCENTIVES**

### **Transferable Development Rights (TDR) Ratios:**

Recommend that Transferable Development Right (TDR) ratios are established for the following types of receiving area development:

1. Condominium Development
2. Hotel/Resort/RV Development
3. Retail Development
4. Golf Courses

**\*\*Recommend that TDR's are allocated on a fractional basis.**

### **Commercial Development Standards:**

Recommend that development standards are adopted as part of the High Impact Permit process for the following types of development:

1. Condominium Development
2. Hotel/Resort Development
3. Retail Development
4. Golf Courses

### **Other Incentives, Standards and Requirements:**

Recommend that the Montezuma County Land Use Code require that structures are set back a minimum of 100 feet from the Dolores River bank.

Recommend that favorable TDR sending area ratios are established for those portions of areas mined for gravel that are reclaimed as engineered wetland or to productive agricultural use.

Recommend that the Montezuma County Land Use Code address cumulative impacts of development to land and water resources, air quality, traffic and public safety, property owners, wildlife habitat and public infrastructure in proximity to proposed development.

Recommend that lighting standards in the Montezuma County Land Use Code are strictly enforced

## **WATER QUALITY**

1. Recognize that water quality in the Dolores River is excellent and shall be kept that way.
2. Recommend that water quality in the Dolores River is of the highest priority and other policy recommendations should be considered in light of their impact to water quality.
3. Recommend that a favorable sending area ratio is developed as an incentive for TDR transfers out of the 100 year floodplain of the Dolores Rivers as defined by FEMA.
4. Support policies implemented to protect water quality that address concerns raised by the DRVP Working Group:
  - a. Requiring engineered septic systems within 16 vertical feet of the 100 year flood plain per 1997 County Commission Resolution.
  - b. Substantial improvements in septic system permit data base and mapping which began in 2002 and continues.
  - c. Efforts to compile and organize water quality monitoring undertaken by a variety of local entities in compliance with State water quality requirements.
  - d. A locally initiated biological component to water quality monitoring to supplement the chemical monitoring required by the State.
  - e. Conduct County review when State approved sewage treatment system permits are issued or renewed or point sources of pollution are identified by EPA.
5. Use repair permits and ownership transfers to identify non-conforming systems and encourage system upgrades to current standards.
6. Encourage well testing and provide technical assistance to help property owners address problems.
7. Encourage periodic septic system maintenance and inspection.



## **GRAVEL MINING**

### **1. Restrictions and Regulations:**

Revise and develop site-specific standards within the High Impact Permit process to regulate gravel mining.

### **2. Operational mitigation standards in the High Impact Permit Process:**

- a. Manage traffic hazards with more specific standards
- b. Restrict time frames for permitted operations
- c. Limit the size of gravel mining operations
- d. County monitoring of water quality from settling pond discharges

### **3. Reclamation and rehabilitation requirements:**

- a. *Develop value added alternatives in reclamation plans permitted by County:*
  - i. Open space
  - ii. Constructed wetlands
  - iii. Agricultural restoration
- b. Restore to more natural condition
- c. Require adequate bonding for rehabilitation
- d. Establish site specific County gravel mining reclamation standards
- e. County monitor and enforce reclamation plans
- f. Specify and enforce phasing and timelines for reclamation measures.

### **4. Supply and demand instruments:**

- a. Map gravel resources in Montezuma County
- b. Raise money to purchase gravel rights (gravel conservation easement)
- c. Regulate exports to other counties who restrict mining of their own gravel resources